

DE

THE
"EXPOSITION"
EXPOUNDED,
DEFENDED, AND SUPPLEMENTED.

BY ITS AUTHOR,
REV. JOHN CARROLL, D.D.

"What have I now done? Is there not a cause?"—1 Samuel xvii. 29.

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1881.

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ORIGINAL TITLE
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OR,

THE CLAIMS AND ALLEGATIONS OF THE CANADA EPISCOPALS CALMLY CONSIDERED, BY ONE OF THE REPUTED
"SECEDERS" (JOHN CARROLL).

"And the bramble said unto the trees, If in truth ye anoint me to be king over you, then come and put your trust in my shadow; and if not, let fire come out of the bramble, and devour the cedars of Lebanon."—*Parable of Jotham.*

"And there passed by a wild beast that was in Lebanon, and trode down the thistle."—*Parable of Joash.*

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PREFACE TO THE FIRST EDITION.

WHEN the Canada Conference and its adherents and friends in 1833 congratulated themselves that they had provided against the possibility of a divided Methodism in the Upper Provinces by an arrangement with the British Wesleyan Conference, including an organic union with that body, which nevertheless preserved the essential integrity of the Canadian Church, it was very disappointing to have another rival body, within a year or two, spring up to spread dissension and to "draw away disciples after them," on such trivial grounds of dissatisfaction as the non-continuance of local preachers' ordination, and whether or not their business should be best conducted in a "District Conference" or in a circuit "Local Preachers' Meeting."

None felt the sorrow and discouragement more than myself. I had been personally attached to many of those who were induced, earlier or later, to go with that movement, among whom were such men as John Reynolds, Joshua Webster, Jabez Bullis, G. P. Selden, James Bickford, and others I could name. After the line of separation was distinctly drawn, I found it very sad to ride or drive past the doors which erst had been thrown open to me, and to see once happy societies sundered in twain; and I yearned over them still "in the bowels of Jesus Christ."

It is true, the course of procedure to effect these changes, embracing blind prejudices, absurd apprehensions, unfounded representations and allegations, and secret plottings and misunderstandings, cooled my sympathies, estranged my attachments, and in time reconciled me to their absence.*

For many years my maxim in regard to this doubtful organization was the Scriptural one, to "let them alone," and to have as little intercourse as possible—on the ground that if they were doing good I should not 'inder them (and I had no doubt that there was some incidental good); and, if the aggregate of harm arising from the division should exceed the individual good—and I feared it would—I would not be accessory to it.

But after some years, regarding the separate organization as an accomplished fact; and flattering myself that under such a Superintendent as the venerable *Richardson*, and such an editor as the amiable *Abbs*, much of the fierce sectarianism and overt proselytizing of the earlier stages of the movement had passed away, I not only reciprocated brotherly advances, but made them myself, and interchanged denominational courtesies. I also dedicated my biographical history to all the Methodist bodies, inclusive of this one; and when forced to trench on matters which could not be ignored, with regard to which we differed, I touched them

* My reviewer, the Rev. W. Perritt, page 6th of his "VINDICATION," indignantly repudiates the ascription of these elements and influences to those who fomented the division of the Canada Methodist Church in 1834 and onwards for several years; and challenges, on reference to the "official or unofficial records of the M. E. Church for the last twenty years, one word or expression that will sustain such an accusation." But he must remember I was speaking of the *early causes* of the division; and, after mature reflection, I regret that I can give no other account of that disaster and be truthful. I say nothing now of "the last twenty years."

as tenderly and delicately as possible—so much so, indeed, as caused some to think I was compromising the interests of stern historic truthfulness. And when I made bold to address a humble overture on the plan of unifying all the Methodist bodies, I ventured to propose as part of the new machinery that the diaconate should be restored, that a modified Presiding Eldership should be accepted, and that there should be a General Superintendency, though without ordination. I carried concession so far that some of the other contracting parties said that I had “conceded every thing to the Episcopalians.” [And I kept on with kindly overtures, although I received in return lampooning and ridicule from contributors to the *Advocate*.]

After organic Methodist union began to be generally talked of, even by men who were traditionally conservative of things as they had been, a trustful, unsuspicious feeling sprung up in my heart; and I allowed myself, with many others, in freedom of communication with not a few of that body whom I found ready to reciprocate those advances—albeit I must confess, at the most encouraging of times, the majority of those brethren seemed hard to inspire with anything like a generous spirit of candor and reciprocity on the question which had torn us asunder.

The stand the Episcopal section of the General Committee on Methodist Unification took in their unyielding aspect on *Episcopacy*, as though their own was of the most hereditary and unquestionable character, although not averse myself to a General Superintendency and several other features of this system (which would have been accepted by the other parties to the engagement if the “Episcopalians” had been reasonably tolerant); when I saw this, I say, I confess I did experience surprise at such demands from such a quarter; and when negotiations were

broken off by them on those grounds, the feeling of disappointment partook largely of the element of disgust.

Still, I confessed none of this to those on my own side, but continued to hope against hope for many months. To many less trustful than myself it became apparent that from the time of his installation the new bishop, Dr. Carman, would have all to come to their standard, or they could have no countenance from those who now trumpeted themselves as *the* Methodist Church, *par excellence*, of the country. And innumerable oral and written utterances of the bishop and other mouthpieces of that body show that this is the policy to be pursued.*

To this there can be no objection, only in view of one consideration. They have a *natural right* to pursue this course, if it pleases their fancy; and they have a *moral right* also, if they can justify it to God and their own consciences. But the moral rectitude of it ceases when it has to be sustained by statements which are false, and when it places their neighbors in a false position: such as that the Canada Conference did an unwarrantable thing in their compact with the parent of all the Methodist bodies in the world, making themselves "seceders," and leaving the present "Methodist Episcopal Church in Canada" as the

* The author of the "Vindication" repels with an air of injured innocence the ascription of such a position and such claims as those presented in the last two sentences. Well, I shall be very glad to learn that he has authority for making such a disclaimer; but if this position was not theirs—from the time of Bishop Carman's accession to office to the time of writing my "Exposition"—then I have only to say, that their manner of enunciating their claims was exceedingly unfortunate; for nearly everybody who had paid attention to the matter understood them as I did. If, therefore, my tract has done no other good than lead to a disclaimer of such a position, it has accomplished one good thing.

only true lineal descendant of the original Methodism of the country! These falsifications of facts and of history being paraded to prevent a good end and to perpetuate an anomaly and an evil, I am at length persuaded to comply with a request, often preferred to me by individuals, to present the real facts of the disruption of this confident section of our colonial Methodism.

I am deeply sorry for the necessity of this; and that the rather, because I am persuaded that there are many in that community who, unless they have lately and greatly changed, cannot approve of the self-asserting course now adopted by the present leading influences of the body. To them, and all the candid in that community, I commend this position.

I have only given a summary view of the question at issue. I have by no means exhausted facts, arguments, and illustrations; but have kept a large store of both one and the other. In the meantime, the prophet's determination shall be mine: "I will stand upon my watch, and set me upon the tower, and will watch to see what he will say unto me, and what I shall answer when I am reproved."*

* Hab. ii. 1.

DON MOUNT, July 17th, 1877.

PREFACE TO THE SECOND EDITION.

At one time I hoped to be relieved from returning to this subject, but other treatises not having wholly exhausted the theme, and Mr. Perritt, in his "Vindication," having addressed his whole pamphlet to me, individually, and put forth a number of plausible arguments, and alleged a number of apparently formidable facts, which have not been met in any other publication, I feel myself bound in honor by the pledge with which I closed my preface, to respond and to clear myself from the charge of falsifying facts made against me in the pamphlet aforesaid. For my challenger, in different forms, at least one dozen times, has charged me with having knowingly and wilfully withheld undeniable facts and of having falsified others. In all the families where his tractate has gone, I am proclaimed as a falsifier; and to any individual who may chance to take up his book, the very title-page lays upon me the sin of "ungenerous attacks and false accusations." Whether I have cleared myself or not from the charge of untruthfulness, in the several particulars in which he brands me therewith, I must leave the reader of this edition to judge.

He complains of the production as a whole to be uncalled for, inasmuch as none of the offensive boastfulness which I alleged as creating a necessity for my "Exposition" was ever exemplified. I would be rejoiced to know that his

disclaimer was justified by fact; most willingly would I acknowledge my mistake; but the public papers presented accounts of doings and statements, as having transpired at preachings, conferences, and lectures, in such places as Prescott, Brockville, Owen Sound, Picton, where the Bishop called us "Seceders," and other places, which seemed strongly to partake of this character. Indeed, to particularize all the instances would be like registering the drops of rain, the zephyrs that blow, and the rays that proceed from the sun. And our ministers, especially the younger ones, continually reported to me that, in the rural circuits particularly, they met with claims of priority and regularity on the part of the Episcopalians which went to glorify themselves and to disparage us with the public. Dozens of times, and for years, those of a later generation said, "Why do not some of you fathers tell us the true facts of the case about our change of name from Episcopal to Wesleyan, and of the rise of the body which claims to be the original Church to our displacement, assuming also its name?" Not long before my avowing my purpose to write, I received a letter from a brother, thirty years in the work, in such a state of annoyance with this continual boasting, that he declared his belief that the "Episcopalians," as he phrases it, "must have such a dose as they have never yet had, before they would learn to be civil." Perhaps I attached too much importance to those representations, but they did produce in me a feeling akin to that of Paddy's, in a certain strait, who declared "He would have peace if he fought for it." Then, also, why make such an outcry against an exposition of our views and conduct in relation to the crisis which tore the Church asunder? Did not Mr. (now Dr.) Webster publish no less than two, if not three several books, or editions of the same book, on that question

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of an exceedingly aggressive character? Was not his so-called "History" framed on the polemical model, embracing the nature of a plea for them, and a condemnation of us? Their paper for several years was openly hostile, while, from principle and policy, our organ silently ignored what was said. I excuse the following editors of the *Advocate* from any direct hostility: Messrs Shepherd, Abbs,* and Dr. Stone; but for any besides I cannot say so much.

These were my reasons for writing the EXPOSITION, since which I had not heard so much as formerly, till Mr. P launched his VINDICATION. But since then I have been twice solicited by younger brethren (in the east and in the west) to prepare answers to aggressive statements and claims in local papers. With regard to the EXPOSITION, when I came to consider again some of its expressions, I feared that, perhaps, they were too severe; but those who came frequently into contact with our rivals, all declared that all my expressions were warranted. I have, nevertheless, in the text of the original production, in this edition, softened all expressions unnecessarily offensive. And in all the new matter, I have studiously watched myself lest I should sin against the law of kindness, abstaining from retorting the terrible things with which Brother Perritt charges me. I accept his disclaimer of "personal hatred," notwithstanding his very odd way of showing his kindly feeling; and accept his proffered "hand,"—wondering none the less, how he can fraternize with such a fibber as he has alleged me to be. I shall soon go to my account, and this is probably my last polemical tract. I have given my final views in the CONCLUSION of the book.

* Of this brother I spoke in very kindly terms in the preface to my Exposition; yet he saw fit to join in a resolution published to the world, branding with calumnious statements one who still esteems him.

A NEEDED EXPOSITION.

I.—A BRIEF EPITOME OF CANADIAN METHODIST HISTORY FROM 1790 TO 1832.

METHODISM was planted in Canada during the year 1790-91, by the Rev. William Losee, who came from the then newly-organized Methodist Episcopal Church of the United States. His ingress was at his own instance, having been left for that year, by the Bishop, to "range at large;" but he was sent by authority the ensuing year. Several organized classes crowned the labors of those two years. In 1792 an ordained Elder, in the person of the Rev. Darius Dunham, was sent in to superintend the whole and dispense the ordinances. The work in Canada was thenceforth a Presiding Elder's District, in connection with some one of the Annual Conferences in the United States connected with the M. E. Church. Sometimes the Conference bore one name, and sometimes another. In 1810, the Canada work fell to the newly-organized Genesee Conference, by which it was thenceforth supplied with preachers.

In 1812, the war broke out between Great Britain and the American Republic, by which some of the preachers designated to Canada were prevented from coming to their stations; likewise, some that were already in the Provinces,

being American citizens, through fear, were induced to leave. The vacancies created in the Upper Province were supplied from among the local preachers by the Presiding Elder, the Rev. Henry Ryan. He also gave some oversight to the work in Lower Canada, the Presiding Elder for that District, the Rev. Nathan Bangs, having been deterred from coming to his appointment. From this cause, the Montreal and St. Francis Circuits were left destitute, and others but partly supplied during a part of the time. The Rev. Thomas Burch, a born subject of Britain, appointed to *Quebec*, thinking that a place of less importance, Methodistically, than *Montreal*, of which the absentee Presiding Elder, Mr. Bangs, was to have had the special charge, settled himself in the latter city, and went only occasionally to the former; and at length he ceased going altogether. The Quebec Methodists felt their destitution very much, and being ignorant of the new doctrine, that Episcopacy was essential to true Methodism, and regarding the Wesleyan Conference in England not only as co-ordinate with the Methodist Episcopal Church, but viewing it as "the mother of all," applied, through the Chairman of the Nova Scotia District, which stood in immediate connection with the British Conference, to send them a missionary, which request was granted; and he arrived in Quebec, June, 1814. The larger part of the society in Montreal, no doubt on account of prejudices created by the war, also desired to be supplied by a preacher from the British Conference. In answer to that request, the Rev. Richard Williams arrived in that city in 1815—I suspect about the time Mr. Burch returned to the States. The majority of the society siding with the British missionary, under the plea that the most of the means for its erection was raised in England throughout the Wesleyan Connexion, put him in possession of the chapel. The Rev.

Wm. Brown, the appointee of the Genesee Conference, with the minority who adhered to him, was forced to set up worship in a temporary place ; and there were two sections of Methodism in that city until the arrangement between the British and American connexions took place in 1820. Soon after, other British missionaries arrived, and took up the vacated St. Francis country and all accessible places in the eastern townships. In 1816, the Rev. Messrs. Black and Bennett, from Nova Scotia, by authority of the British Conference, attended the American General Conference, which sat in Baltimore in the month of May of that year, and met the two representatives of the Canada work, in the persons of the Rev. Messrs. Ryan and Case. The deliberations in the General Conference led to such a representation to the authorities of the British Connexion as drew forth a letter of instructions from the Missionary Secretaries to their missionaries in Canada, cautioning them from trenching on the stations occupied by the appointees of the American Church, and against occupying their chapels. Now this proceeding is proof that these two Connexions regarded each other, reciprocally, as co-ordinate. Nevertheless, upon one plea and another, by 1820, Wesleyan Methodist ministers had been stationed along the St. Lawrence from Cornwall to Prescott ; at Kingston and along the Bay of Quinte ; and at length, Niagara and York received European preachers and possessed Wesleyan societies.

In 1820, an interchange of Delegates took place between the British and American General Conferences, and the following arrangement was agreed to :—Mr. Wesley's original maxim, uttered at the formation of the American Methodist Church, that "the Methodists are one people in all the world," was re-affirmed ;* and that, Lot and Abraham-like,

* The Rev. John Wesley, in a letter to the Rev. E. Cooper, only

one was to "go to the right hand and the other to the left." The British missionaries were to be withdrawn from Upper Canada and the American laborers from Lower Canada.*

Nevertheless, there were many in Upper Canada of Methodist proclivities and name who shrank from a connection with American Methodism from national prejudice and other reasons; and either refused to unite in the societies governed from that side of the line, or agitated, more or less, for a separation from under American jurisdiction. As some measure of concession to this feeling, by the authority of the immediately preceding General Conference, the "Canada Annual Conference" was organized in 1824, which took place in Hallowell, August 25th of that year.

Gradually those most conservative of American connection united with the others in asking the American General Conference for a peaceable separation, which was granted May, 1828. And it was agreed that if the Canadians organized an Episcopal Church, that one of their bishops should be permitted to come over and ordain the first bishop, when elected.

At the next meeting of the Canada Annual Conference, which took place in the ensuing October, in Switzer's Chapel, Earnestown, independency was assumed, and "The twenty-nine days before his death, uttered this admonition:—"See that you never give place to one thought of separating from your brethren in Europe. Lose no opportunity of declaring to all men, *that the Methodists are one people in all the world, and that it is their full determination so to continue,—*

"Though mountains rise and oceans roll,
To sever us in vain!"

* Resolution of Liverpool Conference, 1820:—"The Conference embraces this opportunity of recognizing that great principle which, it is hoped, will be prominently maintained—"That the *Wesleyan Methodists* are one body in every part of the world."

Methodist Episcopal Church of Canada" was organized. The particulars in which it differed from the parent one in the States were the following: There being, as yet, only one Annual Conference, the General Conference, instead of being composed of delegates by election, should consist "of all travelling elders who had travelled four full calendar years last past and had been received into full connexion.* This cut off local elders, of course, as they were not in connection with the Conference of itinerants at all.

Another marked difference between the Canadian and American Discipline was the "Sixth Restriction" on the legislative action of the General Conference.

At the Conference when the Canadian Church was organized, a Committee was appointed to correspond with the Parent Connexion in England, and to inform the British Wesleyan Conference officially of the formation of such a

* The literal wording of this clause cut off those travelling elders from a seat in the General Conference who had graduated to elder's orders, and even served the Connexion many years, if they had been forced to locate, it might be for only a year, and had not resumed their place in the Travelling Connexion early enough to make "four full years last past" before such General Conference, although they might be among the ablest and wisest ministers in the Connexion; so also it might have been construed to exclude superannuated elders, no matter how long their services, how active soever in mind, or how desirable their long and thorough experience might be in that legislative body; for though they were *travelling* preachers in the technical sense, as contradistinguished from "*local* preachers," yet in point of reality they had not *travelled on a circuit*. The manifest unwisdom and injustice of excluding these two classes was seen upon reflection; therefore at the first meeting of the General Conference, held in Belleville in 1830, all beyond the clause "travelling elders" was stricken out, so that all elders in the Travelling Connexion had a seat in the legislative body. This was two years before the Union was proposed. And when that measure was under consideration, another omission was found to do a great injustice to a large number

Church, which Committee, however, failed to perform the duty assigned it. In default of that, after some time, the Rev. Egerton Ryerson, the Secretary of the General Conference and Editor of the *Guardian*, opened a correspondence with the senior Missionary Secretary in London, the Rev. Richard Watson, but there was no nearer intimacy.

No less than three *episcopoi* were elected by the General Conference of the new Church during the five years of its existence, but from one cause and another no bishop was consecrated. The Rev. Wm. Case was elected by the General Conference as "General Superintendent," and each succeeding Annual Conference elected him to occupy its Presidential Chair.

II.—THE CIRCUMSTANCES WHICH LED TO THE BLENDING OF THE BRITISH AND CANADIAN METHODIST CHURCHES TO BE THOUGHT OF.

During the four years of the existence of the Canada Church—that is to say, from 1828 to 1832—the members in the Canadian society greatly increased, and the work of of ministers. As soon as a preacher was received into full connexion, after his two years' probation, he could enter on the deliberations and vote in the Annual Conference, as it was not *ordination* but *service* and *experience* which prepared him to take a part in its deliberations. By the same analogy, when a preacher had travelled *four years* and was elected to elders' orders, though not yet ordained, he had the true qualification for sitting and deliberating in the General Conference. If construed otherwise, it would have been a great wrong to some of the ablest ministers of the body, and a great loss to the body itself. If we may anticipate, there were fourteen brethren, at least, in this condition in 1832, when the changes necessary to the legality of the Union measure were submitted to a special meeting of the General Conference. These were the following very capable men:—Alvah Adams, Cyrus R. Allison, John S. Attwood, John Beatty, Hamilton Biggar, John C. Davidson, Ephraim Evans, Asahel Hurlburt, Richard Jones, Peter Jones (Indian), James Norris

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evangelization among the aborigines of the country was so prodigiously extended, that the lack of funds to follow up the openings and to mature the missions already planted, by translations, schools, churches, &c., was greatly felt. Appeals had been made to the Methodists of the United States, and very considerable sums had been kindly given; yet the funds were inadequate to the work required to be done. As another resource, in the spring of 1831, that distinguished Indian preacher, *Kah-ke-wa-quon-a-by*, or Rev. Peter Jones, was despatched by the Canadian missionary authorities to the Mother Country—the British Isles—to make an appeal for aid. This led the brethren in England to think that they were now called to enter this field also, especially as they believed that they were released from their pledge to the General Conference to vacate the Upper Province, by the Upper Canada Methodists having passed from under the jurisdiction of that Conference.

Accordingly, in 1832, one of their Missionary Secretaries, Richard Phelps, George Poole, and William Smith. The specific purpose for which the General Conference was convoked was to receive the necessary three-fourths majority for the altering the second "Restriction," which prohibited the "doing away with Episcopacy," (page 18,) Elder Case, the General Superintendent, having refused to even put the motion until the Restriction was constitutionally removed. But before that vote was put, the composition of the General Conference itself was determined, and the membership of the General Conference was made to consist—by legal vote of the then undisputed members,—of all the "travelling elders and elders elect." This gave the brethren above named a seat, and a more than three-fourths vote was received for removing the Second Restriction. These changes were preserved in the MS. Journals, but there being no M. E. Discipline published later than 1829, the latest changes do not appear therein. The reason for there being so many *elders elect* was this: the Church, although Episcopal in name, had no bishop to ordain them, nor ever had. The "doing away" with what never existed, except on paper, was more a fiction than reality.

the Rev. Robert Alder, accompanied by some of their colonial ministers, was sent to explore the country, to see what parts of it were unsupplied with Methodist ministrations. Coming to York (now Toronto), where a small *Wesleyan* cause in an irregular way had been started, fearing strife and division if rival societies were permitted to multiply, the Missionary Board of the Canada Church, consisting of a large preponderance of laymen, invited Mr. Alder to meet them, and requested him to remain until the ensuing session of the Canada Conference, to see if some method could not be devised by which the British and Provincial Methodist bodies might labor in concert—a proof, by the way, that no intelligent Methodist of that day ever dreamed that there was any essential difference between the two Churches which would make the transmutation of the one form into the other occasion the loss of its identity.

[Mr. Perritt labors hard, on pages 9, 10 and 11, to refute what I have said about “the lack of funds to follow up the openings and to mature the missions already planted,” &c. (not as he has me saying, “lack of means to carry on the work,” which is considerably different), “was greatly felt,” after all supplies from the United States, led “in the Spring of 1831” to the “dispatch of that distinguished Indian preacher, *Kah-ke-wa-quon-a-by*, Rev. Peter Jones, by the Canadian Missionary authorities, to the Mother Country—the British Isles—to make an appeal for aid, which led the brethren in England to think that they were now called to enter this field also.” Mr. Jones’ visit to England for such a purpose is a matter of undeniable history. Mr. Perritt ignores it; will he dare to deny it? Of course, when it was found that Mr. Jones’ begging mission was about to be made the justification for setting up rival Missionary operations, the Canada Methodist authorities endeavored to show the Wesleyan Missionary

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Secretaries that our straits were not so great as to warrant their intrusion upon ground which naturally belonged to us, which intention would be sure to be devisive. But finding from Mr. Alder such a course of action was determined on by them, the Missionary Board in York did address the ensuing Annual Conference in Hallowell on the expediency of organized co-operation between the two bodies, as the only means of preventing unpleasant collision. Because a grant from the British Conference to our Contingent Fund, similar to that annually paid to the Irish Conference, was spoken of, therefore my opponent asserts the prospect of a Government grant was the motive which induced the Canada authorities to urge on the Union. And if he were not ignorant of the facts of history, or designedly oblivious of them, he might know that no one in Canada knew of the offer of any such grant being made to the Wesleyan authorities till a full year afterwards. While our delegate was in England negotiating the Union, it was disclosed by the Rev. John Barry, in a discussion which sprung up between him and the Rev. James Richardson, then Editor of the *Guardian*. No; had that circumstance been then known, for several reasons I might assign, it would have been more likely to have quashed the Union measures altogether. But as to a grant from the British Contingent Fund, what was more natural or righteous than that, as they were to become partners in the work, the British Connexion should incur a part of the expense ?]

III.—A DETAIL OF THE UNIFYING PROCESS.

The Rev. Mr. Alder complied with the request above referred to, and made his appearance timely at Hallowell, the seat of the Conference, in the month of August, 1832, accompanied by the Wesleyan Missionary from the town of ing-

ston, which place had retained a preacher from the British Conference from the first, despite the arrangement of 1820 ; this was the Rev. John P. Hetherington. The memorial of the Canada Missionary Board to the Conference was read, and after much friendly consultation, in which the representative of the British Conference took part, a committee of nine of the most capable and experienced members of the Conference was appointed, who reported Preliminary Articles of Union between the two Conferences, which, after some discussion on some of the details, were adopted by large majorities, and a Delegate was appointed to carry them to the British Conference the following summer of 1833. The Rev. Egerton Ryerson was the representative elected, with the Rev. James Richardson as the reserve, or substitute, in the event of Mr. Ryerson being prevented from going.

These were the same, in all substantial respects, as those finally adopted (which I herewith produce), finally endorsed by the two Conferences :—

*
ARTICLES OF UNION BETWEEN THE BRITISH WESLEYAN
METHODIST CONFERENCE AND THE CONFERENCE OF THE
WESLEYAN METHODIST CHURCH OF CANADA.

The ENGLISH WESLEYAN CONFERENCE, concurring in the communication of the CANADIAN CONFERENCE, and deprecating the evils which might arise from collision, and believing that the cause of religion generally, and the interests of Methodism in particular, would, under the blessing of God, be greatly promoted by the united exertions of the two Connexions ; considering also, that the two Bodies concur in holding the doctrines of Methodism as contained in the notes of Mr. Wesley on the New Testament, and in his four volumes of Sermons, do agree in adoption of the following Resolutions :—

I.—That such a union between the English Wesleyan and Canadian Connexions as shall preserve inviolate the rights and privileges of the Canadian preachers and societies on the one hand, and on the other shall secure the funds of the English Conference against any claims on the part of the Canadian preachers, is highly important and desirable.

II.—That (as proposed in the second and third Resolutions of the Canadian Conference), in order to effect this object, the Discipline, Economy, and form of Church Government in general of the Wesleyan Methodists in England be introduced into the societies in Upper Canada, and that in particular an Annual Presidency be adopted.*

[Mr. P., following the example of the captiousness and special pleading which characterized nearly every part of the argument against the Union measure, nibbles at the matter of bringing in those who had earned a claim to the eldership by long services (notwithstanding the constitutional manner in which it was effected) to deliberate and vote on the Union question, a measure which was enacted in the spirit of justice and fair play to a class of men who had "purchased to themselves a good degree," as also to the true interests of the Church. It is hard to restrain one's indignation when such an uncandid quibble is employed avowedly in opposition to tyranny! How was the mere accident of the imposition of a bishop's hands to confer the wisdom and right to deliberate?]

III.—That the usages of the English Conference, in reference to the probation, examination, and admission of candidates into the itinerant ministry, be adopted.

* This is understood both by the Canadian Conference and the representatives from the British Conference, to refer to no other modifications in the economy of Methodism in Upper Canada than those which have taken place at this Conference, and that the Canadian Book of Discipline has heretofore provided for.

IV.—That preachers who have travelled the usual term of probation and are accepted by the Canadian Conference shall be ordained by the imposition of the hands of the President, and of three or more of the senior preachers, according to the form contained in Mr. Wesley's "Sunday Morning Service of the Methodists," by which the Wesleyan missionaries in England are ordained, and which is the same as the form of ordaining Elders in the Discipline of the Canadian Conference.

V.—That the English Conference shall have authority to send, from year to year, one of its own body to preside over the Canadian Conference ; but the same person shall not be appointed oftener than once in four years, unless at the request of the Canadian Conference.—When the English Conference does not send a President from England, the Canadian Conference shall, on its assembling, choose one of its own members.

The proposal of the Canadian Conference is understood to include, as a matter of course, that the President of the Conference shall exercise the same functions generally as the present General Superintendent now actually exercises ; he shall not, however, have authority to appoint any preacher to any Circuit or Station contrary to the counsel and advice of a majority of the Chairmen of Districts or Presiding Elders associated with him as a Stationing Committee.

VI.—That the missions among the Indian tribes and destitute settlers which are now, or may be hereafter, established in Upper Canada, shall be regarded as missions of the English Wesleyan Missionary Society, under the following regulations :—

First.—The Parent Committee in London shall determine the amount to be applied annually to the support and extension of the missions ; and this sum shall be distributed

by a Committee, consisting of a President, General Superintendent of the Missions, the Chairmen of Districts, and seven other persons appointed by the Canadian Conference. A standing Board or Committee, consisting of an equal number of preachers and laymen, shall moreover be appointed, as heretofore, at every Conference, which, during the year, shall have authority, in concurrence with the General Superintendent of Missions, to apply any moneys granted by the Parent Committee, and not distributed by the Conference, in establishing new missions among the heathen, and otherwise promoting the missionary work.

Second.—The Methodist Missionary Society in Upper Canada shall be auxiliary to the English Wesleyan Missionary Society, and the money raised by it shall be paid into the funds of the Parent Society.

Third.—The missionaries shall be stationed at the Canada Conference in the same way as the other preachers; with this proviso, however, that the General Superintendent of Missions shall be associated with the President and Chairmen of Districts in their appointment.

Fourth.—All the preachers who may be sent from this country into the work in Upper Canada, shall be members of the Canadian Conference, and shall be placed under the same Discipline, and be entitled to the same rights and privileges as the native preachers.*

Fifth.—Instead of having the Annual Stations of the missionaries sent home to the English Missionary Committee and Conference for their "sanction," as is the case with our

* The understanding of this Article is, that the *Canadian Conference* shall employ such young men in Upper Canada as they may judge are called of God into the itinerant work; but should not a sufficient number be found in Upper Canada properly qualified, the *British Conference* will send out as many young men from England as may be requested by the *Canadian Conference*.

missions generally, and as the Canadian Conference have proposed, the English Conference shall appoint, and the Parent Committee shall meet the expense of supporting a General Superintendent of Missions, who, as the Agent of the Committee, shall have the same superintendence of the Mission Stations as the Chairmen of Districts, or Presiding Elders, exercise over the circuits in their respective districts, and shall pay the missionaries their allowance as determined by the Conference Missionary Committee, on the same scale as the Canadian Book of Discipline lays down for the preachers on the regular circuits ;—but who, being at the same time recognized as a member of the Canadian Conference, shall be accountable to it in regard of his religious and moral conduct. This General Superintendent of Missions, representing the Parent Committee in the Canadian Conference, and in the Stationing and Missionary Committees, the appointments of the missionaries at the Conference shall be final.

VII.—That the Canadian Conference, in legislating for its own members, or the Connexion at large, shall not at any time make any rule or introduce any regulation which shall infringe these Articles of Agreement between the two Conferences.

Signed, by order and on behalf of the Conference,
 RICHARD TREFFRY, *President*.
 EDMUND GRINDROD, *Secretary*.

Manchester, August 7th, 1833.

Resolved,—That the Canadian Conference cordially concurs in the Resolutions of the British Conference, dated "*Manchester, August 7th, 1833*," as the basis of Union between the two Conferences.

EGERTON RYERSON, *Secretary*.
York, U. C., October 2nd, 1833.

The projected arrangement had been freely discussed in the organ of the Connexion from the time of Mr. Alder's visit to York till the Conference, and the result was a vast concourse of visitors to the seat of the Conference, to whom the doors were thrown open to hear the deliberations—a proceeding then very unusual. And I don't remember to have heard myself, or heard of, a single objection among the assembled laity or local preachers to the measures proposed. There certainly were no petitions against them, or outside pressure of any kind. And I remember distinctly, that Mr. John Reynolds, afterwards bishop of the rival organization, seemed well enough pleased, and said, that "if there were any things proposed which conflicted with the rights of his order or of the laity, he would have his say when those measures were laid before the Quarterly Conferences." He made no objection to the surrender of *Episcopacy* itself, but, as I shall have the means of proving hereafter by sworn testimony, he was glad that we were about to "get from under the heavy hand of a bishop," as he was pleased to phrase it.

The Canada Conference was purposely appointed to sit two months later than usual the ensuing year (1833), to give time for the return of the Delegate from the British Conference, which sat in August of that year.

The proposals of the Canada Conference, as we have anticipated, were substantially affirmed by the British Conference, and two eminent members of that body accompanied the Canada delegate on his return to the Province, to represent the views of the British Conference and to fill important posts in the Canadian Connexion, in the event of the Articles of Union being finally adopted by the Canada Conference. These ministers were the *Revs. George Marsden* and *Joseph Stinson*.

There was some little inquiry and discussion on some of the details, but the Articles as a whole, upon the urgent recommendation of the Rev. James Richardson, were unanimously adopted by a rising vote, the venerable Thomas Whitehead alone demurring; yet he did it in such a way as to create a laugh, and to leave the impression that he intended it as a joke, for the venerable Superintendent, Rev. Wm. Case, pronounced the vote "unanimous," and no one more cordially co-operated than Mr. Whitehead himself.

One aged man, who had stickled very much for the continuance of Episcopacy, did not vote, but withdrew rather than spoil the unanimity of the vote. I had all along thought that Mr. Gatchel did not from the first intend to concur, but I am now thoroughly convinced that at that time, and for many months after, he had no intention of placing himself in opposition, much less of creating a rival party; and my reasons for it are these: he made no disclaimer,—he entered no protest,—nor did he forbid the continuance of his name on the journals and in the minutes, but laboured during the next Conference year in holding special services, &c., raising collections for the Superannuated Ministers' Fund, which he credited against his own claim, and received the balance from the Stewards of Conference (as much as any other claimant). But my strongest reason is a fact brought to my knowledge only within a few days: he and the now very aged Rev. Robert Corson were fellow-lodgers during the Conference of 1833. Here is Mr. Corson's testimony, which has been in print now about thirty-five years and never contradicted, and Mr Corson is still living,* to be questioned if any one is curious. Mr. Corson said in a letter to the Rev. C. R. Allison, who made use of it in a printed discussion, in 1842:—"He" (Mr.

* Mr. Corson was living when the first edition was issued, but is since deceased.

Gatchel) "said to me, 'that, although he felt opposed to the Union in some degree, yet he should go with the Conference.'"

When the measure was finally carried, Mr. Marsden assumed the Presidential Chair, Rev. Wm. Case having vacated it, and conducted the routine business of that session; but, much to the regret of ministers and members, he returned to his duties in England at its close. Mr. Stinson remained in the country, and became the "Superintendent of Missions," according to one of the provisions of the Sixth Article of Union, a position which involved duties all the year round.

[Mr. Perritt, on page 31, makes an objection to the legality of the Conference which finally affirmed the Union measure, with all the changes involved therein, which at first sight seems to be legally formidable, albeit it stood a searching process at civil law. He says that, notwithstanding the unanimity with which the question was carried, it was the "Annual Conference," and not the "General Conference," to whom the final ratification of the Union was submitted and who carried it. But he conceals from his readers (and perhaps from himself) that all the changes had been passed by the technical General Conference more than a year before, which bound the Conference in honor to affirm them now they had been accepted by the British Conference. Secondly, according to the Discipline of 1832, the Annual Conference necessarily included the General Conference; for "all the *elders* and *elders elect*," which made up the General Conference, were also members of the Annual Conference. Thirdly, all who voted on the Union measure in 1833 had served the time required to make them elders, and, of course, members of the General Conference. But the truth is, the General Conference, as such,

in contradistinction to the Annual Conference, had passed out of existence by its own deliberate, constitutional vote more than a year before.*]

Just here I may present—

IV.—CONSIDERATIONS WHICH PREVAILED WITH THE MEMBERS OF CONFERENCE TO CONCUR IN THIS UNION.

1st. As thoroughly informed in Methodist views, they were entirely persuaded of the co-ordinate character of the two bodies as demonstrated by the reciprocal recognition of each other by the British and American Connexions from their earliest history.

2nd. Their love of the English Connexion as British, they all being British subjects themselves ; no less than twenty-one out of the sixty being of the British Isles by birth, and largely by education : more than a dozen of them had been brought to God by that form of Methodism which they were now accepting.

3rd. They were aware that a larger proportion of the members of the Church were Old Countrymen with Old Country sympathies, and that hundreds on hundreds of these had been converted by the instrumentality of Old Country Methodism, who were delighted at the thought of being reunited to their spiritual relatives by a closer tie than of late years.

4th. They saw that the Articles of Union propounded guaranteed them against any interference with the rights of themselves or the members of the Church.

5th. They knew, by what had passed under their own eyes, that all the changes made had been legally and constitution-

* Since writing the above, I have read over once more the "Opinion" of Chief Justice Robinson, in which he twice calls the Conference of 1833, which finally affirmed the Union measure, a "General Conference," showing that the sworn testimony brought before him proved that all the proceedings had been perfectly regular.

ally effected ; and they believed that many of the changes were for the better.

6th. As to the Episcopacy, they remembered that we had no experience of a Provincial one, and the people had little knowledge of, or care about, a bishop. The Conference had failed in all its attempts to secure one, and the ministers began to suspect that God had purposely set us free from his jurisdiction. They knew it would be a responsible and hard matter to settle if we were shut up to Canadian expectants. The life-long Episcopacy, they knew, would be an expensive institution, and an Annual Presidency could perform all the functions and duties as well.

7th. But it was a very persuasive motive with most of them, that we should now be stronger in men and means for carrying on our work among the Indians.

8th. The *absence of any declared opposition from the people between the Conference of 1832 and that of 1833,** but a

* My reviewer impeaches my veracity for making the statement I have in the lines which, in this edition, I have put in *italics* ; and enumerates several meetings held in the western part of the country in opposition to the Union, prospective and accomplished. It may have been that there was something of that kind. As I was down on the Ottawa, I knew not of them. I am certain that no account of them, or reference to them, appeared in the *Guardian*, and no remonstrance or petition of an adverse character came before either the Conference of 1832 or 1833. True, Mr. Perritt ascribes their non-appearance to Rev. Wm. Case's (the President) failure to present them to the Conference, and the refusal of the Editor of the *Guardian* to admit them in its columns. The action ascribed to Elder Case is hard to believe ; for he was opposed to the Union at the time of its inception, calling another to the chair at an early hour of the Hallowell Conference, and going on the floor in order to join the debate against it ; and as to the refusal of the *Guardian's* columns, it would be strange indeed if any thing of that kind was done, at least during the years 1832-33, while the Union

great deal that was of the opposite character, during that period, influenced the final vote to a great degree. We have seen that a vast number of private and official members were at the inception of the measure, and all were rather favourable than otherwise. The Presiding Elders were requested to make particular inquiry throughout their respective districts, between the Conference of 1832 and the time of the Delegate's leaving in the early spring of 1833, relative to the state of feeling on the subject of the prospective Union, yet no report adverse was made, but rather the reverse. Some of these letters were published in the *Guardian*, and no contradiction given. As the Canada Church was planted by the American Connexion, great respect was held for the opinion of its leading authorities: some of these the Delegate took upon him to consult in New York on his way to England, and he wrote, on the eve of sailing for Europe, as follows:—"I stayed with Dr. Fisk all night and a part of two days. He was unreserved in his communications, and is in favor of the object of our mission, as were Bro. Waugh, Dr. Bangs, Durbin, &c. I have conversed with

was pending, the Rev. James Richardson being the Editor, who at first was in nowise enthusiastic about the Union. At any rate, these movements could not have been of much account.

At the time of writing the above, I had overlooked the paragraph which Mr. Perritt professes to quote from the *Guardian*, in which the Editor acknowledged that he *refused to admit* some communication against the Union measure. Although it is in marks of quotation, he does not tell us from what volume and number of the *Guardian* he extracted it, or from what other source he obtained it, and therefore I cannot say whether it is real or fictitious (I would hope he is not capable of inventing it); but, in all truth, I have not the least recollection of seeing it before. It may have some foundation, for editors often exercise their discretionary power to exclude. They have several times exercised it on me. But it does not affect the question much.

them all, and they seem to approve fully of the proceedings of our Conference." There was not a single petition presented to the Conference of 1833 against the measure before it.

[Mr. Perritt's statements in his "Vindication," on pages 13 and 14, will render it necessary for me to append another paragraph or two to this section of my tract in the present edition. Speaking as though all he was about to allege took place before the Union was finally consummated in 1833, he says :—

"Not only was there strong opposition to the proposed Union, because of the changes made in the government of the Church, but there was very general and widespread dissatisfaction from another cause. It was well known that the Union involved the surrender of what was called the voluntary principle for the support and spread of religious institutions—a principle to which the Methodists were warmly attached, and on which they entirely relied for support.

"By the proposed Union the Canada Conference was required not only to *renounce this cherished principle, but positively adopt and defend 'that principle of the parent body which maintains that it is the duty of civil governments to employ their influence, and a portion of their resources, for the support of the Christian religion.'* That this produced agitation and intense excitement throughout the whole Church, no one will dare deny. This fact is established beyond controversy by the testimony of Revs. Ephraim Evans, James Richardson, and William Case, given before a select committee appointed by the Commons House of Assembly in 1836. And in face of all this Dr. Carroll never heard of any one who opposed the Union until the year 1833-34!"

What a mixture of truth and falsehood is there here, for the purpose of making out a case! There was not one word said, *pro* or *con.*, while the proposals for Union were under discussion, in the Conference of 1832, about Government grants for religious purposes and of the "voluntary principle," for the good and sufficient reason that neither the Conference nor the general public knew anything of any offer of Government aid to the British Missionary Committee for missionary purposes in Upper Canada at that time. As I have already said, the first inkling of it came out incidentally, a year after, while Egerton Ryerson was in England negotiating the Union, during a newspaper discussion which sprang up between the Rev. John Barry, Wesleyan Missionary, and the Editor of the *Guardian*, Mr. Richardson. And though Mr. R. was personally a pronounced "voluntary," he seemed to think we were so little concerned in the matter, that he made no effort to stay the consummation of the Union in the Conference of 1833, but called for a "unanimous vote." And I am quite sure that the fact of the grant made to the Committee was not known to the public *officially* till during the Conference year 1834-35. It was while laboring on the Matilda Circuit, during that year, that I observed that it had become a subject of newspaper discussion, which turned on the point whether the Home Government or the Provincial Legislature should have the control of the Casual and Territorial Revenue Fund, from which the grant was paid. But I am quite free to admit that it was made a ground of objection to the Canada Conference *thenceforth* for several years on the part of one class of politicians and of those who wished to foment Connexional discontent for ulterior objects. It was alleged that though the grant was made to representatives of the British Missionary Committee, who were hold-

ing for all the money to carry on the Missions (what was raised in Canada being barely auxiliary to their fund), yet, as it was laid out in Canada, and their missionaries themselves were, for the time being at least, members of the Canada Conference, it was alleged that the Canada Connexion was *indirectly*, at least, the recipient. When the Canada Conference was charged with receiving the grant, it passed resolutions disclaiming "any interest in Government grants, none having been offered to or received by it." Farther, it was urged no preacher's salary was affected by the grant; for he had a claim on the London Committee for his allowance irrespective of the sources from which the money came. Besides, the representatives of the London Committee undertook to show that a sum equal to that received from Government was expended on the Indian Missions *for schools and churches*, beyond what was paid for the support of the missionaries. But even if it had come *more directly*, where was the surrender of principle in doing so, which would justify a separation from the Church? There never had been any avowal of political dissent in Methodism; a Church and State man could be a member of the United Society as well as a dissenter—indeed, the most of its adherents were of the former class. Nor did the Methodist Episcopal Church of the United States, from which we received our first preachers, formally avow the principle of extreme voluntarism. To this day, she is free to receive and apply anything disposable for education and Indian Missions from public sources. But it may be said, that the Canada Church, after its organization in 1828, became committed on principle, under all circumstances, to a refusal of all Government aid. On which I have to say, that while preparing my history, I carefully searched the journals of Conference and the files of the *Guardian* for in-

formation on this subject, and found nothing which amounted to theoretical "voluntaryism," except one utterance made by the Rev. James Richardson, in the above-mentioned discussion with Mr. Barry, which was personal to himself. I know very well that because of the previous opposition of Conference to the unjust and unconstitutional manner in which Government funds had been applied, it was thought we had made such a declaration. And this seeming inconsistency was the cause of a loss of confidence of some for a time; and it was that prejudice, along with local preacher discontent, and not any great care for Episcopacy, which gave the disruptionists the amount of influence they had. But all this trouble sprang up full two years after the Union. The objection which was felt to the Church on this ground might be urged as an excuse for leaving it, but it can never be legitimately argued against the identity and integrity of the main body, or to justify the claim of the disruptive one to being the true, original M. E. Church of Canada.]

V.—THE OPPOSITION WHICH AFTERWARDS AROSE, AND THE FORM IT TOOK.

There was no opposition to notice until the new regulations affecting the private membership and local preachers were submitted to the Quarterly Conferences, as they were then called, by the Presiding Elders at the first round on their several districts, during the Conference year 1833-34.

The only thing affecting the private membership related to a sort of capitation tax on the members for the support of the work. It is to be found on the thirty-eighth page of the Discipline published in 1836, under the heading, *The Duties of Superintendents*. It is to the following effect:—

"To see that Mr. Wesley's original rule, in regard to weekly and quarterly contributions, be observed in all our

societies as far as possible. The rule was published by Mr. Wesley in the Minutes of Conference, held in London, 1782. It is as follows :

“ Q. Have the weekly and quarterly contributions been duly made in all our societies ?

“ A. In many it has been shamefully neglected. To remedy this,

“ 1. Let every Assistant (Superintendent) remind every society, that this was our original rule : Every member contributes one penny weekly (unless he is in extreme poverty) and one shilling quarterly. Explain the reasonableness of this.

“ 2. Let every leader receive the weekly contribution from each person in his class.

“ 3. Let the Assistant (Superintendent) ask every person at changing his ticket : “ Can you afford to observe our rules ? ” and receive what he is able to give. ’ ”

The Methodists of this day will smile to learn that this was made the occasion of bitter accusations and agitations, and cost the Connexion hundreds of members.*

[Mr. P. spurns the idea of the promoters of the division availing themselves of a prejudice so mean and paltry as an outcry against the weekly and quarterly contributions.

* It is perhaps but right to say, that all following the word “ possible ” was in the form of a foot-note in the MS. copy of the Discipline put in the hands of the printer ; but because there was a note to that note explaining the original meaning and use of the term “ Assistant,” the compositor, in a mistake, set it up in the text, and the Conference stood charged with foisting a surreptitious rule into our code of laws with the design of bringing the members under a money condition of membership, and a lamentable “ scare ” was produced. As this epoch was made the occasion of re-enforcing the quarterly renewal of tickets, which had fallen too much into desuetude (that and the inquiry into the ability of the members to

Thinking that I might have over-estimated this obstacle, I wrote to several senior ministers, who would be likely to know, and their answers will be found in the Supplement.]

The principal changes proposed related to local preachers ; and it was that order in the Church, or at least a few of them, who created the first dissatisfaction, which spread to other things, and made a sad conflagration. The changes relating to them were these:—(1) Up to the time of the Union, a local preacher, if recommended by the Quarterly Conference of his Circuit, and elected thereto by an Annual Conference, might receive deacon's orders at the end of four years after he had received a regular license as a local preacher ; and in four years from the time of his receiving deacon's orders, upon the same conditions as above, he *might* receive elder's orders from the hands of the bishop ; but as a concession to the British Wesleyan usage, no person *becoming a local preacher after the time of the consummation of the Union*, could be eligible to ordination. (2) Under the former economy, the licensing and annually renewing the license of local preachers was relegated to a District Conference of all the local preachers in a Presiding Elder's District, of which the Presiding Elder was President ; but under the new arrangement, the same business was to be transacted in the several Circuits to which they belonged, in a Local Preacher's Meeting, of which the Superintendent of

support the cause), it was resisted by the malcontents as a usurpation. One of the first two Delegates to the American General Conference, from the new Methodist Episcopal Church in Canada, finding a society ticket belonging to some member of his household, held it up and asked in a scornful tone, " Who has been purchasing *Indulgences* ? " Such were some of the means by which our members were prejudiced against the Union ! [Mr. P. asks for the " name " of this Delegate : *James Powley* was the name, and the late Rev. C. R. Allison was my authority for the anecdote.]

the Circuit was chairman. If there were seven or more local preachers in a Circuit, there might be such a meeting; if less, their matters were to be attended to in the Quarterly Meeting; and when the Local Preachers' Meeting was not held, the Quarterly Meeting was to do it. This arrangement was far more feasible than the District Conference, which in some cases required a hundred miles' travel to attend it, of which most of them bitterly complained, yet, when the change was proposed, the promoters of disruption resisted it. I remember, in particular, Mr. Reynolds in 1828 ridiculing the impracticability and senselessness of the arrangement, yet we have cause to believe, that his reason for leaving the Church, in 1834, arose from his dissatisfaction that the new regulations about local preachers had carried in the Quarterly Meetings.* (3) Another arrangement of the new Discipline (page 43), which made it the duty of the Superintendent of each Circuit "to make

* Since the above was written, a now-printed letter of the Rev. John Reynolds to a brother local preacher has been put into my hands by the person to whom it was addressed, Rev. Philip J. Roblin, which implied that at the time of its date, Mr. Reynolds, by implication, acknowledged himself a member of the Canada Methodist Church under its *Wesleyan* name and form, and shows that the new changes relating to local preachers, which had been carried by the constitutional majority in the Quarterly Conferences, was the cause of his dissatisfaction; and that if they could have been brought to reverse their vote, he would have remained in the Church. With these preliminary remarks, the letter speaks for itself:—

"BELLEVILLE, June 30th, 1834.

"DEAR BRO. ROBLIN,—In reply to yours of the 24th inst., I have to say that I feel no disposition to comply with the resolutions, as laid down in the new Discipline, by which local preachers are to be governed. My parchment or certificate from the bishop shows my standing in the Church and my right to its privileges, and therefore I see no reason why I should consent to have my name entered on a plan.

out a regular plan of appointments for the local preachers and exhorters on the Circuit, with the counsel of the Quarterly Meeting where there is no Local Preachers' Meeting," although honorable to this class of laborers, was very distasteful to those who went away. The changes with regard to their trial under accusation, transferred their final appeal from an Annual Conference to a District Meeting, gave them an advantage in their first examination before a "committee," in giving them the privilege of choosing one-half of the jury—a privilege not accorded to any other person in the Church, whatever his rank or office.

These new regulations, however, received the required majority of two-thirds, and passed into a law, and were published in the first issue of the new Discipline. They also must commend themselves as reasonable and just to all dispassionate and reflecting persons.*

"I labor under no fearful apprehension of being disowned in consequence of refusing to comply. The resolutions are unreasonable and altogether uncalled for, and many of our travelling preachers know it.

"The proper course for us to take is to petition those Quarterly Conferences who passed the resolutions to rescind their former vote, and thereby do away with them altogether; for you will observe that the preachers tell us that it was the Quarterly Conferences that made the law, and I say, if so, the Quarterly Conferences can make that law null and void if they choose to do so. [Shall we make the trial? If you and the other local preachers of your Circuit think with me on this subject, please say so, and we will get up a respectful petition to lay before those Conferences as soon as possible.

"I am, dear Bro., yours in love,

"JOHN REYNOLDS."

* A year or two ago I received a letter from a gentleman, still living, which, while it contains other matters, holds this language—(I do not use his name in full, because the letter was headed "Confidential," but I have no doubt but he will consent to its disclosure if the interests of truth require it):

The account I have given of the Conference and the ample provision made for supplying the work, we naturally would have thought augured future prosperity. So thought some of the wisest at the time, who had not been before so sanguine of the Union measure. This will appear from the following short extract from the valedictory of the retiring Editor, *Rev. James Richardson*, never given to view matters in rose-color :

“The question may be asked, ‘Was the Union with the British Conference the immediate cause of the secession?’ I think not. The real cause was the *withdrawal of [the chance] of ordination from the local preachers of the Connexion*. When this matter was submitted to the Quarterly Meeting Conference of the Yonge Street Circuit, I was a local preacher and voted against their ordination, believing, as I did, that the ordination vow was inconsistent with worldly pursuits. Certainly there was no Methodist Episcopal Church in Canada from October, 1833, until June, 1835. Hence there is a missing link between the original M. E. Church and this spurious M. E. Church, which can never be recovered, because it has no existence and never had. My dear Carroll, I need not remind you that the withdrawal of the privilege of ordination from the local preachers was not an Article of the Union, nor the act of the Annual Conference merely, but of the Quarterly Meeting Conferences as well; and, therefore, the solemn judgment of the laity thereon, who did not wish the local preachers to dispense the ordinances to them. And you will remember this took place some time after the Union with the British Conference was consummated.

“Yours, &c.,

“G. B.”

From Mr. P.’s mode of arguing the point, one might understand him to leave the impression that local preachers had their orders cancelled, but it really was merely those who might become local preachers after the Union who were not to be eligible to ordination. True, because of the embarrassing character of the demand for local orders, the Conference of 1834 declared it to be inexpedient to ordain any more local preachers.

"The Conference closed the important, interesting, and difficult business of the Session at one o'clock this day. Notwithstanding the multifarious and highly important matters transacted, the Session has been distinguished for an unusual degree of order, peace, and unanimity in its proceedings; and we trust the ministers go forth to their respective appointments and labor with renewed vigor, animated with the cheering prospect of an abundant harvest of souls the ensuing year. The net increase in the societies, during the past year, amounts to 1,138 souls. To God alone be the praise and glory! In reference to the momentous change in our relations and economy, arising from the Union effected with our Transatlantic brethren, we would just remark, that the whole is adjusted and settled on that basis which we hope may prove as durable as time, and as beneficial to the interests of true religion as the most ardent wishes of its best friends can desire. And we trust the good sense of every member of our Church will lead him to see the propriety of cordially assisting, in the spirit of Christian love, to carry into effect as extensively and fully as possible the arrangements of the Conference in relation to the Union; and that no personal, private, or party considerations whatever will in the least be permitted to hinder or interrupt the good understanding which now happily exists between the British and Canada Conferences; upon which, under God, the permanency and prosperity of that branch of the Church of Christ in Canada, denominated Methodist, principally depends. It becomes us to observe that when the preliminary arrangements for effecting the Union were under consideration, we were not without our fears for the results. Not in fear of a Union with our British brethren, for this we have considered most desirable from the first, but it appeared to us that the measures proposed and adopted to obtain it were not advisable or expedient, and would ultimately fail of the desired end; but we are now free to confess, and happy to find, that our fears were groundless; and we are fully satisfied that the best arrangement and disposition of this important measure is made that the respective circumstances of the two Connexions would possibly permit. For this favorable result

we are greatly indebted to the prudence, wisdom, and piety of those to whom the management of it had been committed by their respective Conferences. In the Rev Mr. Marsden the Canada Conference had found not only a respectable and judicious representative of the British Conference, and an effective President of their own, but a kind, paternal counsellor and friend. May the choicest blessings of heaven attend him ! and prosper his way, not only to his native country and the affectionate embraces of his family and friends across the great waters, but throughout the days of his pilgrimage, till his Divine Master shall be pleased to say, ' Come up higher and enter into the joy of the Lord ! ' "

But, alas ! what was so good in the inception, was made the occasion of a great deal of harm. First, as to the interior of the Church itself, there were some persons (at first only a few) opposed to the Union, or some of its details, but they exemplified a most tireless industry to inoculate as many as possible with their own disaffection ; and many persons were brought to think their rights had been invaded, who, but for these persistent efforts, would not have suspected they had been injured at all. It began with certain local preachers, some of whom had been employed under Presiding Elders, and who aspired to membership in the Conference, but they had been thought too old, or otherwise disqualified for admission into the regular ministry of the Church.

The writer never heard of but one person opposed to the Union, absolutely and on principle, before the Conference of 1833. This was the Rev. David Culp,* a located min-

* After much attention to the subject, first and last, I am now thoroughly persuaded that *Mr. Culp* was the great originator of the Episcopal division. He was an almost bigoted *Episcopalian*, and he hated British Methodism with a perfect hatred, besides having during the days of his location fostered a disposition to suspect and

ister, a very worthy man in his way, but certainly not distinguished for very broad views in Church matters. He had travelled about twelve years in all; and his active ministry had comprehended the whole period of the "invasion," as he would have called it, of the Upper Province by the British missionaries, at which time his mind had become very much prejudiced against British Methodism. He had been located about eight years at the time the Union was effected, during which space he had shown a disposition sometimes to criticise the travelling ministers.

According to Dr. Webster's history, a short time after the consummation of the Union, Mr. Culp called meetings about the "head of the lake," near which he resided, "which were approved and attended by several of his brethren." "On the 18th of December, 1833, a little more than two months after the York Conference, a public meeting was held at Saltfleet, at which a decided stand was taken against the terms of the Union." It purported to be a "meeting of the local preachers of the Methodist Episcopal Church." Of this meeting Mr. Culp was chairman and Mr. Aaron C. Seaver secretary. But the *Guardian* averred, from information received from parties on the spot, that the meeting was attended by but three local preachers besides their two selves, five in all, and these, when assembled, constituting a meeting no wise provided for by the Discipline of the Church.

criticise the Conference. Next to him was *Mr. Bailey*, who was bound to be a travelling minister at any hazard; and was apparently unscrupulous of the means. Poor weak-minded old *Mr. Gatchell*, he was more their dupe than anything else; and was persuaded by them to do duty as the impersonation and embodiment of the original Canada Conference! A wondrous representative truly!

"Another meeting was held on the 9th of January, 1834, in the old meeting-house on the Governor's Road, township of Blenheim, at which the proceedings of the Saltfleet meeting were discussed and sanctioned." [Webster.] It is but just in connection with the account of this meeting to place on record the following extract from the *Guardian* of March 19, 1832, which speaks for itself:—

"CORRECTION.—The following note from an esteemed local preacher of long and respectable standing will be read with interest and satisfaction by the friends of the Church who are acquainted with him, as it shows the unworthy measures which have been adopted to create disturbance, and that they are without the slightest sanction from such pious and intelligent brethren as the author of the following note—notwithstanding the unauthorized and unhallowed use which has been made of the name. The best of men in the same Church may differ in opinion on prudential matters; but they will be far from making such difference of opinion a ground of schism, or of such defamatory and separating resolutions as adopted by certain local preachers (have, by their own avowal, separated themselves from the Church, and have no right to take part in its proceedings,) met at the Governor's Road referred to below. Men of candor and principle, founded on intelligence, feel too much of the spirit of genuine liberty and liberality to cherish or give utterance to such sentiments of anti-Methodism and narrow-hearted intolerance."

'BURFORD, March 9th, 1834.

'DEAR BROTHER,—Having lately heard that my name is used in many parts of the Province as sanctioning the resolutions passed at the Local Conference, held on the Governor's Road the 9th and 10th of January last, I take this method of informing the public, that I, as chairman, signed the resolutions, yet protested against them *in toto* at the time, and disapproved of the course pursued by the local brethren at their meeting, and still do. I assembled with others, expecting the meeting was called for the purpose of

having our grievances redressed ; but finding this not to be the case, and rather a separation intended, my mind was grieved, and had to lament that I took the chair.

‘ I remain, yours in the bonds of Christian love,

‘ Rev. E. Ryerson.’

‘ ABNER MATTHEWS.

“ One day later than the Blenheim meeting, the 10th of January, 1834, another meeting was held at Belleville, in the proceedings of which sixteen local preachers from that section of the country took part.” [Webster.] Their proceedings, however, seem not yet to have been so extreme as those before mentioned, and to have turned upon details affecting local preachers, and a misapprehension of the guarantee in the Articles of Union for the continuance of the privilege of existing local preachers. Certain it is, that the principal actors in it practically declared their adhesion to the new order of things till after the ensuing Conference. They sat in the Quarterly Meetings in which the changes were discussed.

“ On the London Circuit,” says Dr. Webster, “ a still more decided stand was taken than there had been at any of the places previously mentioned. Here the preachers appointed at this Conference ” (1833) “ to that Circuit were rejected by the Quarterly Conference, held January 25th, 1834, because, being an official board of the M. E. Church, they deemed they could not consistently receive as their preachers persons who were ministers of the Wesleyan Methodist Church in British North America ; and, accordingly, that the work might suffer as little as possible, the Rev. John Bailey, who had already travelled some years in the Connexion, was requested to supply it as far as was practicable, which he did.” (So says Dr. Webster’s History.)

It was my intention to have passed these events over

slightly, and especially out of respect for his highly respectable friends, to have touched upon Mr. Bailey's very questionable course as little as possible ; but after the above erroneous version of the case, the interest of historic truthfulness compels me to enter into this matter a little more fully. First, then, with regard to Mr. Bailey himself, in confirmation of what I said relative to his position at the previous Conference, when his name was mentioned in connection with the report of the Committee on Examinations, the following was the minute adopted : " John Bailey was not received, his examination, as to qualifications, not being satisfactory. It was resolved that the Presiding Elder be allowed to employ him during the year, should the work require it." Thus was he practically discontinued. But subsequently some who sympathized with his wounded feelings and those of his family, pleaded for and obtained a reconsideration of his case, with the understanding that if his name was left on the Minutes as a probationer, with an appointment attached, he would, of his own free-will, decline coming forward at the end of the year. With that view, the following Minute was made :—" Brother John Bailey's case was reconsidered, and he was continued on trial ! " His name was set down for Goderich, which had been connected with London, where his family resided, with the understanding that he and Mr. Beatty would travel the whole ground in conjunction. Now, there was nothing wrong in all this, if he had not thus assumed a trust which he deliberately betrayed. He was a man of fifty years of age, more or less ; he had been both at the Conference where the Union was proposed, and the one where it was ratified, and ought to have known whether he approved of the proceedings or not. There was no blame to him, if he did disapprove, if, like an honest man, he had said so at the time, and not have allowed

himself to receive work from a seceding Conference! But what did he do? He went back to London, and did his utmost to alienate the people before Mr. Beatty, the newly-appointed preacher in charge, his old friend, should have time to get on the Circuit and get acquainted, thus causing infinite vexation and perplexity. Mr. Bailey succeeded in doing this by working on the fears and prejudices of good Mr. Mitchell and others who were more influential than himself. All this time he held the position of a preacher in connection with the Conference. By an incidental business note in the *Guardian* of December 25th, 1833, we learn his paper was duly mailed to the London Post Office, with all the regularity of those of the other Circuit preachers. Secondly, as to the Quarterly Meeting which called out Mr. Bailey, it was not the regular Quarterly Meeting of the Circuit, for that was appointed to meet "November 30 and December 1," according to the Presiding Elder's printed plan in the *Guardian*, and this one was held so late as January 25, 1834. Nor was it a legal one, for it was presided over by a local preacher and not by the proper officer. It may, for aught we know, have comprised a majority of the official members on the London Circuit, but it was not a legal Quarterly Meeting for all that. Thus, for nearly four months, had Mr. B. held the position of a Wesleyan preacher and employed the influence the position gave him to divide a people he was expected to keep together.

Dr. Webster resumes: "Following out the plan proposed by the London Quarterly Meeting, a general convention was called in order to ascertain what the state of feeling really was in the different sections of the Province." "The Convention met at Trafalgar on the 10th of March, 1834, and continued sitting till the 12th. Though the attendance was not large, sixteen preachers only being present, the different

sections of the work were pretty well represented." Then follow the resolutions they passed. This meeting was presided over by John W. Byam, who had travelled nearly two years, but had been discontinued for disciplinary reasons, about sixteen years before ; he had, however, for several years regained a respectable standing as a local preacher. Of Mr. Seaver, who acted as secretary, we know nothing beyond this, that he was a local preacher.

Here is the *Guardian's* account of this meeting, following closely upon the time of its being held : " The business, we learn from a person present, began with seven persons. The number, when our informant left, on the second day, had been increased to sixteen. Six of these sixteen we know have sought to be employed in the travelling Connexion, but were not called out for want of requisite qualifications, or other hindrances ; and three of them, we learn, were licensed to preach at the *last* local Conference." There were no travelling preachers there, unless Messrs. Gatchell and Bailey were present.* These are all the meetings we know of having been held of a similar kind before the Wesleyan Conference of 1834.

Occurrences relating to the Connexion (which I will not now go into, but which I stand ready to enter upon when any unwarranted use is about to be made of them†) extraneous to the Union, or incidentally growing out of it, of a disturbing character, having transpired about the middle of the Conference year 1833-34, were laid hold of to strengthen the opposition, and so far increased its adherents, that by the time this ecclesiastical year was ended, or at least by the close of September, 1834, there was some sort

* I now doubt either's having been there.

† The "unwarranted use" has been made, and I have given the true facts of the case on an earlier page of this edition.

of an organization claiming to be the Methodist Episcopal Church in Canada, the challenge of which I will thoroughly examine further on ; but I will proceed at present to investigate their

VI. OBJECTIONS TO THE IDENTITY OF THE WESLEYAN METHODIST CHURCH IN CANADA WITH THE ORIGINAL METHODIST EPISCOPAL CHURCH IN CANADA.

These objections have been variously entertained and put forward : thus they have been implied and acted on when courage to announce them was wanting—orally stated¹, either by individuals in conversation, or in public discourses of various kinds—printed and published in various ways—and finally, prosecuted in courts of law. The challenges seriatim :—

1. *Abolishing Episcopacy.* (1.) According to this, there is no Methodist Church in England, South Africa, or Australia, because they are not Episcopal. That is the fair logical deduction, and it is amazingly modest and charitable ! [Mr. P. thinks it unfair that I have drawn this conclusion ; but if Episcopacy is not vital to Methodism, why did they take the stand that we had destroyed the integrity and identity of the Church by doing without Episcopacy ? Do they not make their excluded Episcopacy the ground of their claim to be the original Methodist Church of the Province ?]

(2.) If this objection is valid, there would have been no Methodist Church at all in the United States, if its founders, in 1784, had not adopted the Episcopal form ; and that once adopted, Episcopacy could not have been done away without destroying the Church's identity ! Now let us hear what some of its actual founders had to say on that subject. In 1837, the Rev. Egerton Ryerson addressed the following

note to every one of the surviving *founders* of the M. E. Church in the United States : —

“REV. AND DEAR SIR,—As you are one of the two or three ministers who commenced their labors, as itinerant Methodist preachers, before the organization of the Methodist Episcopal Church in America, I beg permission (in consequence of a case which is at issue in the courts of law in Upper Canada, affecting the right of property held by the Wesleyan Methodist Church in that province) to propose a few questions relative to the organization of your Church and the powers of your General Conference.

“1. In organizing your Church, had your General Conference power to adopt any other name for your Church than that which it adopted?

“2. Had your General Conference power to adopt what form of Church government it pleased?

“3. Had your General Conference power, after the adoption of Episcopacy, to dispense with the ceremony of ordination in the appointment to the Episcopal office?

“4. Has it always been your understanding, that the General Conference had the power to make the Episcopal office periodically elective, or to abolish it altogether, if it judged it expedient to do so?

“I will feel greatly obliged to be favored with your views in reply to the foregoing questions, and what has been the understanding of your Connexion from the beginning respecting the points of ecclesiastical government involved in them.

“Yours very respectfully,

“EGERTON RYERSON.”

REV. EZEKIEL COOPER'S REPLY.

“PHILADELPHIA, Nov. 20th, 1837.

“REV. AND DEAR SIR,—Yours of this day I have looked over, containing sundry questions, to which you request an answer. Time, indisposition, and other circumstances preclude me from so full an answer as you wish to receive, and

as I would be willing, under other circumstances, to give most cheerfully, I briefly answer them, viz. :—

“ I. When our Church was organized, the General Conference had power, and a right, to adopt any other name than that which they did adopt, for the style and name of the Church, had they seen proper to do so. The Conference was under no necessity, but, from mature deliberation, it was voluntarily resolved to choose the name of the *Methodist Episcopal Church*. Had they been disposed, they could have taken the name of the *Evangelical Church*, which some of the preachers would have approved of ; or they might have called themselves *Wesleyan Church*, the *Reformed Church*, or any other name, had they chosen it in preference.

“ II. The Conference had power to adopt any form of Church government it pleased, or might have chosen ; but it was the voluntary choice to adopt the *Episcopal* form of government—modified as we have it, subject to amendments or improvements, from time to time, as exigencies might require, and circumstances call for, in the judgment of the Conference. The Episcopacy was always amenable to the General Conference, with power to suspend or even expel the bishop, or bishops, for causes sufficient in the judgment of the Conference—which may be seen by collating the several editions of the Discipline from the first to the last.*

“ III. After the adoption of Episcopacy, the General Conference had *power to change* or *dispense* with the ceremony of Episcopal ordination in the appointment to the

* Mr. P. thinks there is no parallel between the option of the original Methodist body in the States, in 1784, to choose either Presbyterianism, or Episcopacy, and the power of the Canada Conference, in 1832, to do away with Episcopacy ; but the true point is this, Is Episcopacy so essential to a *Methodist Church*, that it could not be done away without destroying the identity of the Church, although there were constitutional provisos for it, and all the constitutional provisos were met ? The highest civil courts in the country decided that the Conference had the power, and that it exercised it in the right way.

Episcopal office, if it appeared proper and necessary to do so. Stillingfleet in his 'Irenicum,' and other Episcopal dignitaries of the Church of England, have admitted that the power of ordination is inherent in the Elders of the Church, or Presbytery; but in certain canons, made by the ecclesiastical councils, the power was restrained, for the better order and regulation in government. And our Church holds the same opinion; therefore, if by expulsion, death, or otherwise, we should be without a bishop, the General Conference is to elect one, and appoint three or more Elders to ordain him to the Episcopal office; so that the power of ordination is, in the Elders, under restraint—but the Conference can take off that restraint if necessary; then the Elders have the power of ordination, and are authorized to ordain even a bishop. Surely, then, by an appointment to the Episcopal office, if an Elder, with the restraint taken off, he can exercise the power of ordination without the ceremony of re-ordaining him, and perhaps, as in the case above stated, by Elders only, with the restraint taken off. If the restraint is taken off, and the ceremony is dispensed with in one case, surely it can be in another, and the ordination in the one case would be fully as valid as in the other; therefore the ceremony can be dispensed with, and the Conference has power to do it in the case of Elders ordaining bishops.

"IV. In my opinion, the General Conference had, and has, the *power* to make the Episcopal office periodically elective, and if necessary for the good of the Church, to abolish it,—provided the requirements of the Discipline for making alterations be complied with; or, if the restrictions be removed, which there is *power* to do, and though difficult, yet not impossible to accomplish; then any and every alteration may be made, which exigencies or circumstances may call for, and wisdom may direct. *Note.*—If Elders can be occasionally elected or appointed to exercise Episcopal functions in ordaining a bishop, and then cease and never exercise them any more, then why not occasionally or periodically elect or appoint to the Episcopal office for a term of time, and then to cease or even be abolished, and ordinations be performed by the Elders appointed thereto, as in the case of ordaining bishops? I am now considering the *powers* of the

General Conference in cases of necessity, under existing circumstances of exigency that might possibly occur, to make the thing necessary for the good of the Church. It is not necessary, nor good, nor proper, always to do what is in our power to do ; but it is *good* to have *power* to do that which may possibly, or probably, become necessary, proper, and good to do.

"I hold that *government* is of *Divine right* ; but I do not hold that any particular or special mode, form, or organization is of *Divine right*. Government originates with and emanates from God, and is of *Divine authority* and sanction ; but the mode, form, organization, &c., is *human*, as to the construction and management, order and regulation, and may, by human authority, be varied to suit different countries, times, circumstances, necessities, &c. ; and also may, by human authority, be changed, improved, and altered for the general good, according to the various occasions and necessities.*

"As to the *Divine right* of an *uninterrupted Episcopal Prelacy* from the Apostles down to the present time, it cannot be proved nor supported. In the Apostolic times, the terms bishop, elder, overseer, and presbyter, were interchangeably applied to the same men and office. (See Acts xx., 17 and 28.) The same men called elders in one, are called overseers in the other verse. St. Jerome informs us that in the Apostolic Church at Alexandria, the elders or presbyters, from the Apostolic time, used to choose and

* "As to my own judgment," says Wesley, "I still believe the *Episcopal* form of Church government to be scriptural and apostolical.—I mean well agreeing with practice and writings of the Apostles. But that it is prescribed in Scripture, I do not believe. This opinion, which I once zealously expressed, I have been heartily ashamed of ever since I read Bishop Stillingfleet's '*Irenicum*.' I think he has unanswerably proved that neither Christ nor his Apostles prescribed any particular form of Church government."—Wesley's Works, vol. 13, p. 139 : "Lord King's Act, of the Primitive Church, convinced me many years ago, that bishops and presbyters are the same order, and consequently have the same right to ordain."—Moor's Life of Wesley, p. 327.

ordain, or set apart, their own bishop or patriarch. In the annals of the Church at Alexandria, written by one of their patriarchs, the same is stated and confirmed. We have numerous authorities : See Lord King on the subject—‘Presbyters and Bishops the same.’ The immortal Hooker admits the validity of the ordination of the Reformed Church, on the Continent, by presbyters, under the necessity of the case. Archbishop Cranmer went further, in his answer to King Edward’s questions, and said that the necessity of the case would make ordination, instituted by a king and laity, in a supposed case, both valid and a duty, and that such things had been done. (See Stillingfleet’s ‘Irenicum.’) Archbishop Ussher advised King Charles I., in the dispute with Parliament, to admit the Church of England to become a Presbyterian Episcopacy ; the king consented, but was too late.

“I have extended further than I intended—must now close. I could write a volume had I time and strength.

“Yours respectfully, etc.,

“EZEKIEL COOPER.

“N.B.—I commenced my itinerancy in the Methodist Episcopal Church, A.D. 1784, though not printed in the Minutes till 1785. I was twenty-one years old when I began to travel, and am now seventy-four years of age, and in the fifty-fourth year of my ministry.”

REPLIES OF THE REV. THOMAS MORRELL, REV. THOMAS WARE,
AND REV. NELSON REED.

“*State of New Jersey, Elizabethtown, Nov. 18th, 1837.*

“REV. EGERTON RYERSON,

“SIR,—Your favor of yesterday was received, wherein you request me to answer some questions relative to the organization of the Methodist Episcopal Church, and the powers of the General Conference.—I give the answers with pleasure :—

“First you inquire, ‘Had your General Conference the power to adopt any other name for your Church than that

which is adopted?' I answer, certainly it had; we called it by its present name, as Mr. Wesley recommended it, and as we conceived it an appropriate term, according with having a Superintendent, who was raised to that office by a vote of the General Conference, and could have designated it by any other name if we could have found one more appropriate.

"Second question,—'Had your General Conference power to adopt what kind of Church government it pleased?' Most assuredly it had; for though Mr. Wesley recommended us to use a form of prayer in our public services, and gave us a ceremony for our baptismal services, yet the General Conference laid aside the prayer-book, and it is not used in one of our churches in the United States, and altered also the form for baptism in a way we thought more suitable for such service.

"Third question,—'Had your General Conference the power, after the adoption of the Episcopacy, to dispense with the ceremony of ordination in the appointment to the Episcopal office?' I am confident they had; and had they thought it necessary, would have done it

"Fourth question,—'Has it always been your understanding that the General Conference had the power to make the Episcopal office periodically elective, or to abolish it altogether, if they judged it expedient to do so?' Before the year 1808, the General Conference had the power to make any alterations in the Discipline or government of our Church they thought expedient; but since the year 1808 they are restricted from making any alterations in our present system without the recommendation of three-fourths of the Annual Conferences.

"Yours, &c., very respectfully,

"THOMAS MORRELL.

"Written with my own hand, and within four days of being ninety years of age."

"I fully agree with the above statement by the Rev. T. Morrell in all things save that of his supposing the name of

the Church being recommended by Mr. Wesley. The name, Methodist Episcopal Church, was recommended, to the best of my recollection, by John Dickens, as I have stated in the *Methodist Quarterly Review*, published by our book-agent, for Jan., 1832, page 98. I also agree fully with Bishop Hedding, in his letter dated Lansingburgh, N. Y., Oct. 12, 1837, and addressed to Rev. E. Ryerson.

“THOMAS WARE.

“I am in the seventy-ninth year of my age, and fifty-sixth of my ministry.

“*Salem, New Jersey, 20th Nov., 1837.*

“P.S.—Mr. Morrell not being at the Conference at which the Church was organized, accounts for his mistake about Mr. Wesley's recommending the name of the Church.”

“I commenced travelling as a Methodist itinerant preacher in the year 1777, and have had knowledge of the general usage and mode of proceeding in said community to this day, and fully concur in the ideas of Morrell and Ware in their above statements, with the exception Brother Ware makes to an item in Brother Morrell's statement, and concur with Bishop Hedding's letter to Brother Ryerson, dated Lansingburgh, Oct. 12, 1837.

NELSON REED,

“Aged eighty-four years.

“*Baltimore, Nov. 22nd, 1837.*”

The opinions of leading ministers in the M. E. Church in the United States, and the constitution and practice of the Church, were in accordance with the above statements down to 1837. Letters were addressed by the Rev. Egerton Ryerson to leading ministers of the American Church, whose names are given below: the answers which they returned speak for themselves:—

" From the Rev. SAMUEL LUCKEY, D.D., *elected by the American GENERAL CONFERENCE, Editor of the Official Periodicals and Books published for the Methodist Episcopal Church in the United States.*

(COPY.) "PERRY, GENESEE CO., N.Y., Sept. 29th, 1837.

" DEAR SIR,—I am at this place attending the Genesee Conference. Your letter came to hand yesterday, *via* New York. I have counselled with several of the preachers who were at Pittsburg General Conference, in company with the bishop, who had been in all the General Conferences for thirty or forty years past. By their counsel I am sustained in the opinion I here offer, on the question you propose.

" *Question.* 'Has the General Conference power, under any circumstances whatever, by and with the advice of all the Annual Conferences, to render the Episcopal office periodically elective, and to dispense with the ceremony of ordination in the appointment thereto?'

" *Answer.* 'In my opinion the General Conference undoubtedly has this right.—This is evident from the fact that the Discipline provides for the possibility of their doing so—as it is explicitly enumerated among the things which the General Conference shall *not* do without the recommendation of the Annual Conferences, plainly implying that it *may* do it with such recommendation.'

" Add to this, there is an example of an acknowledgment of a Superintendent without ordination as such. In the General Minutes of 1786 or '7, or near that time, the question is asked—'Who exercise the Episcopal office?' Ans. '*John Wesley, Thomas Coke, and Francis Asbury.*'—This is according to the best of my recollection. This shows that it was not the intention, in adopting the Episcopal *mode* of government, to insist on consecration as essential to one exercising the Episcopal office. Besides, it is known that our entire defence of our Church organization, according to our most approved writers on that subject, proceeds on the same ground.

" Yours, most affectionately,

(Signed)

" SAML. LUCKEY.

" Rev. EGERTON RYERSON.

"N.B.—The opinion of your Chief Justice is an admirable document; the best I think I ever saw, showing the connection of law with ecclesiastical matters. "S. L."

"From the REV. ELIJAH HEDDING, D.D., *the second senior Bishop of the Methodist Episcopal Church in the United States.*

(COPY.) "LANSINGBURGH, N.Y., Oct. 12th, 1837.

"DEAR BROTHER,—I have just arrived at home, and found your letter. I am sorry I did not receive it early enough to render the aid you wished. The Genesee Conference did not close till the 30th ult. I suppose the law case is decided; therefore, anything I can write will be of no use. I would have tried to get to Kingston, had I known the request at the Genesee Conference.

"It is clear from the *Proviso*, added to the *Restrictions* laid on the delegated General Conference, that by and with the supposed '*Recommendation*,' said Conference may alter the plan, so as to make the Episcopal office periodically elective, and also, so as to dispense with the ceremony of ordination in the appointment.

"I believe our Church never supposed the ceremony of ordination was necessary to Episcopacy; that is, that it could not in any possible circumstances be dispensed with,—nor that it was absolutely necessary that one man should hold the Episcopal office for life. One evidence of this I find in the Minutes of our Conference for the year 1789,—four years after our Church was organized. There it is asked, 'Who are the persons that exercise the Episcopal office in the Methodist Church in Europe and America?' Ans. '*John Wesley, Thomas Coke, Francis Asbury.*'—Bound Minutes, Vol. 1, p. 76. From this it appears those fathers considered Mr. Wesley in the Episcopal office, though he had never been admitted to it by the ceremony of ordination.

"I shall be glad to know how the law case is decided. Please write me or send me a paper containing it.

"My best respects to ——— and her parents, your brother, &c.

"Dear Brother, affectionately yours,

(Signed)

"ELIJAH HEDDING.

"REV. EGERTON RYERSON."

Mr. Ryerson continues:—"After examining the Discipline" (the Canadian Discipline), "and mature reflection, these gentlemen expressed their concurrence in the views of Bishop Hedding, at the bottom of his letter, as follows:—

"I hereby certify that I fully concur with Bishop Hedding in the above opinion.

(Signed)

"J. B. STRATTON.*

"*New York, Nov. 16th, 1837.*

"We concur in the opinion of Bishop Hedding expressed above.

(Signed)

"THOMAS MASON,

"GEORGE LANE,

"Agents of the General Conference for the Publication of Books for the M. E. Church."

Mr. Ryerson further continues:—"I also addressed a letter on this subject to the Rev. Dr. Fisk, President of the Wesleyan University, and late representative of the Methodist Episcopal Church in the United States, to the British Connexion. The following are copies of my queries and the answers:—

"200 Mulberry Street,

"NEW YORK, Nov. 17th, 1837.

"REV. AND DEAR SIR,—A question of law is at issue in Upper Canada which involves the Chapel Property held by the Wesleyan Methodist Church in that Province. The principal points in the case 'on which there are any doubts' relate to the views of the Methodist Episcopal Church re-

* Mr. Stratton had been elected bishop of the Canada Church in 1831, but declined the office.

specting *Episcopacy*—the *imposition of hands* in the consecration of bishops—and the power of the General Conference to modify the Episcopal office. I have been favored by Bishop Hedding, Dr. Luckey, and others with an explicit statement of their views on these points, and will feel greatly obliged to you to be favoured with your views, and what you believe to be the views of the Methodist Episcopal Church, in reply to the following queries :

“1st. Is *Episcopacy* held by you to be a doctrine or matter of faith, or a form or rule of Church government as expedient or not according to times, places and circumstances ?

“2nd. Has the General Conference power, under any circumstances whatever, by and with the advice of all the Annual Conferences, to render the Episcopal office periodically elective, and to dispense with the ceremony of ordination in the appointment thereto ?

“And as you were present at the British Conference in 1836, as the representative of the Methodist Episcopal Church in America, I would beg to propose a third query :

“3rd. Do you consider the ordinations performed under the direction of the British Conference to be Scriptural and Methodistical ?

“Earnestly soliciting your earliest answers to the foregoing queries,

“I am, yours very respectfully,

“EGERTON RYERSON.

“The Rev. WILBUR FISK, D.D.,

“*President of the Wesleyan University.*

“P.S.—I had intended to visit Middletown University ; but as I am unexpectedly required to go to Philadelphia, and cannot get home by Saturday, the 25th inst., without proceeding directly from this to Albany, &c., I must deny myself that pleasure. Please address me, Kingston, Upper Canada.

“E. R.”

DR. FISK'S REPLY.

"REV. EGERTON RYERSON.

"MY DEAR SIR,—Your favor of late date is before me; making some inquiries respecting the constitution of the Methodist Episcopal Church.

"The first was in reference to the Episcopal form of government.

"I, as an individual, believe, and this is also the general opinion of our Church, that Episcopacy is not 'a doctrine or matter of faith'—it is not *essential* to the existence of a Gospel Church, but is founded on expediency, and may be desirable and proper in some circumstances of the Church, and not in others.

"You next inquire as to the power of the General Conference to modify or change our Episcopacy.

"On this subject our Discipline is explicit, that 'upon the concurrent recommendation of three-fourths of all the members of the several Annual Conferences who shall be present and vote on such recommendation, then a majority of two-thirds of the General Conference succeeding shall suffice' to 'change or alter any part or rule of our government, so as to do away Episcopacy and destroy the plan of our itinerant General Superintendency.' Of course, with the above described majority the General Conference might make the Episcopal office elective, and, if they chose, dispense with ordination for the bishop or superintendent.

"I was a delegate from the Methodist Episcopal Church to the Wesleyan Conference in England, in 1836. At that Conference I was present at the ordination of those admitted to orders, and, by request, participated in the ceremony. I considered the ordination, as then and there performed, valid; and the ministers thus consecrated, as duly authorized ministers of Christ.

"With kind regards to yourself, personally, and the best wishes for the prosperity of your Church, I am, as ever, yours,

"In friendship and gospel bonds,

"W. FISK.

"*Wesleyan University, Middletown, Ct., Nov. 20th, 1837.*"

But why am I arguing this point? Did not the original Canada Discipline—the very Discipline, if they have not changed it, by which our accusers profess to be governed—provide for the “doing away” with the Episcopacy (if indeed we had any Episcopacy *to do away*), as I have already shown? Our opponents will say, “The provisions were there, but you did not fulfil the conditions.” Let us see. Here is the sworn testimony of the Secretary of the General Conference before a Court of Law:—

“The witness delivered to the Court the following extracts from the Journals of the General Conference:—

“Special Session of the General Conference, called by the General Superintendent, at the request of the Annual Conference, Hallowell, August 13th, 1832.

“Conference met at six o'clock a.m.

“Names of members:—William Case, Thos. Whitehead, Thomas Madden, Peter Jones, 1st, Wyat Chamberlain, Jas. Wilson, Samuel Belton, William Brown, Joseph Gatchell, George Ferguson, David Yeomans, Ezra Healey, Phil. Smith, F. Metcalf, William H. Williams, John Ryerson, William Ryerson, David Wright, William Griffis, Solomon Waldron, Robert Corson, Jos. Messmore, R. Heyland, Edmond Stoney, George Bissel, James Richardson, Egerton Ryerson, John Black, Anson Green, Daniel McMullen, Andrew Prindel, Ezra Adams, Alexander Irvine, King Barton—34.

“Egerton Ryerson was chosen Secretary.

“Proceeded to elect a General Superintendent *pro tempore*. The Rev. Wm. Case was duly elected.

“*Resolved*,—That the first answer to the second question of the third section of the Discipline be expunged, and the following inserted in its place: ‘The General Conference shall be composed of all the Elders and Elders elect who are members of the Annual Conference.’

“Names of Elders elect:—John C. Davidson, Geo. Poole, Richard Jones, John S. Atwood, James Norris, Cyrus R.

Allison,* Peter Jones, 2nd, Matthew Whiting, William Smith, John Beatty, Asahel Hurlburt, Avah Adams, Richard Phelps, Hamilton Biggar, Ephraim Evans, Charles Wood,† Thomas Bevitt†—17.

“Adjourned until nine o'clock a.m.

“Conference met at nine a.m. Singing, and prayer by the President.

“*Resolved*,—That this Conference, on the recommendation of three-fourths of the Annual Conference, having in view the prospect of a union with our British brethren, agree to sanction the third resolution of the Report of the Committee of the Annual Conference, which is as follows :

“‘That Episcopacy be relinquished (unless it will jeopard our Church property, or as soon as it can be secured), and superseded by an Annual Presidency,’—in connection with the 10th Resolution of the said Report, which says, ‘That none of the foregoing resolutions shall be considered of any force whatever until they shall have been acceded to on the part of the Wesleyan Missionary Committee and the British Conference, and the arrangement referred to in them shall

* Mr. Allison was ill.

† The claims of *Messrs. Wood and Bevitt* to be members of the General Conference, even on the terms now established, has been disputed : they had, first and last, travelled more than four years—Mr. Wood was certainly an *ordained* deacon when he re-entered the work, three years before. When the Secretary of the General Conference was questioned on the subject many years after, he could recollect nothing about the terms on which they were allowed a seat in the General Conference, if indeed they were allowed ; and the Journals of that Conference, having never been printed, were not to be found—were lying, possibly, in some lawyer's office. If allowed to vote without a legitimate claim, it would have no appreciable effect on the issue : they were only *two* against *fifty-one*. Their being in the list in the Chapel Property Case may have been a clerical error, which is my opinion.—J. C.

have been completed by the two Connexions,'—Adopted by three-fourths of the members. Adjourned *sine die*.

" WILLIAM CASE, *Prest.*

" EGERTON RYERSON, *Secy.*

" *Hallowell, Aug. 13th, 1832.*

(Truly Extracted.)

" EGERTON RYERSON."

" *Kingston, 11th Oct., 1837.*

" *Counsel*—Did the votes of those persons who were admitted into the General Conference affect the decision of the question? I do not think they did, unless they rendered it somewhat less unanimous than it would have otherwise been. Eight of them were, to the best of my recollection, opposed to the then contemplated Union, although I cannot say whether so large a proportion of them was opposed to relinquishment of Episcopacy. Several who opposed the Union were in favor of an Annual Presidency. Mr. Richardson, who was the Secretary of the Annual Conference, spoke against the Union, but in favor of abolishing Episcopacy. But they were not admitted with a view to secure the adoption of the measure, but simply to have as full an expression as possible of the views of all the preachers.

" *Counsel*—Were the votes of your Annual and General Conferences (for they appear in fact to have been substantially one and the same body under different names) pretty unanimous?—More than three-fourths were in favor of superseding Episcopacy by an Annual Presidency.

" *Counsel*—Was any objection made as to the power of your Conference to do what it did in respect to the Union with the British Conference?—I never heard of the expression or existence of such a doubt.

" *Counsel*—Did those members who constituted a minority on the question of Episcopacy and the Union, show any disposition to persevere in their opposition after the disposition of those questions by the voice of so large a majority of their brethren?—By no means. Far otherwise. The discussion was conducted in the most friendly manner, such as is usual on any merely precedential question; and, after the close of the

proceedings on those questions, some of the leading speakers in the minority expressed their intention to acquiesce in and support the views of the majority. Not a single member left or seceded from the Conference on account of those proceedings, or showed a disposition to do so.

*"Counsel—*Were you not appointed by the Hallowell Conference to represent the interests of your Church on the subject of the Union in England?—I was.

*"Counsel—*Were you aware that, in the interval between the sessions of your Conference in Hallowell, 1832, and in Toronto, 1833, there was any opposition on the part of any considerable portion of the members of your Church to the object of your mission in England?—I was not. I employed every means in my power to ascertain the views and feelings of our members and friends on the subject. Immediately after the Hallowell Conference I published the proposed Articles of Union in the *Christian Guardian* [August 29th, 1832], and requested the Presiding Elderson the different districts to inform me of the state of feeling among our people within the bounds of their respective charges, as it would be a guide to me in my negotiations. A short time before I left the Province for England, in March, 1833, I received letters from two of the chairmen on the subject. I also conversed with the other two chairmen. From these sources I learned that the Union was, with very few individual exceptions, universally approved of by the members of our Church. The only point on which I could learn that any apprehension existed was in relation to the appointment of preachers to their circuits and stations. As the Superintendent or President had the power of stationing all the preachers, fears were entertained in some instances that a President sent out from England might appoint English preachers to the best stations, and send the Canadian preachers into the interior. I provided against the possibility of an event of this kind by getting the consent of the British Conference to limit the power of the President, that whilst he exercised the same functions generally as the General Superintendent had heretofore exercised, he should not station the preachers contrary to the consent of a majority of the Chairmen of Districts associated with him as a Stationing Committee.

"Counsel—I think you said you were at the Toronto Conference, held in October, 1833: will you state to the Court and to the Jury the proceedings of that Conference on the subject of the Union?"—I arrived in Toronto, from England, a few days before the meeting of the Conference, in company with the Rev. Mr. Marsden, who had been sent out as the representative of the British Conference, and the Rev. Mr. Stinson, representative of the Wesleyan Missionary Committee, whom I introduced to the Conference. Before the meeting of the Conference, the resolutions agreed to by the British Conference were printed on parallel pages on the same sheet, and on the morning of the meeting were put into the hands of each preacher, that he might carefully examine them and compare the one with the other. After the Conference was organized in the usual way, by calling over the names of all the members, and appointing a Secretary, and some other preliminary business had been disposed of, the subject of the Union was taken up, the proceedings of the Conference on which I cannot better state than in the words of the Journals, or official records. Witness read the following, which he delivered in to the Court:

[Extracts from the Journals of the Annual Conference, held in Toronto, Oct. 2nd, 1833.]

"The question of Union with the British Conference was taken up. The Rev. George Marsden addressed the Conference on the subject of his mission, giving an account of what had taken place in England on the question of the Union, the deliberate and careful manner in which it had been examined and considered, and the unanimous and deep interest which the English preachers felt in it. Egerton Ryerson presented and read the report of his mission to England.—See Letter I., No. 4.

"Conference proceeded to examine the articles agreed to by the British Conference *seriatim*.—*Adjourned*.

"Conference met at two o'clock p.m. Singing and prayer.

"The consideration of the Articles of Union was resumed. The legal opinion of Messrs. Rolph and Bidwell, as to the

effect which relinquishing Episcopacy might have upon the titles to Church property, was read. See Letter I., No. 5.—After several hours' careful investigation, it was moved by E. Ryerson, seconded by J. C. Davidson, and unanimously resolved,

“That this Conference cordially concurs in the adoption of the Resolutions agreed to by the British Conference, dated Manchester, August 7th, 1833, as the Basis of Union between the two Conferences.’

(Truly extracted.)

“EGERTON RYERSON.

“*Kingston, Oct. 11th, 1837.*

“*Witness proceeded:* During the forenoon of the day following, a Committee was appointed to revise the Discipline and report thereon. Five days afterwards, on the 7th of the same month, that Committee reported the various modifications which constitute the difference between the Discipline of 1829 and 1834. The report was carefully considered and adopted, when it was proposed and agreed to, to call a meeting of the General Conference, to confirm what had been done by the Annual Conference, in respect to the Discipline and the Union. Witness handed in to the Court the following :—

[Extracts from the Journals of the Annual Conference, held Toronto, Oct., 1833.]

“*October 3rd.*

“A committee to revise the Discipline was appointed, consisting of the President, Secretary, Editor, Chairmen of Districts, W. Case, W. Ryerson, D. Wright, E. Healy, and E. Evans.

“*Monday, October 7th.*

“Conference met at eight o'clock a.m. Singing and prayer.

“The Report of the Committee on the Discipline was presented and taken up item by item, and agreed to in view of its adoption by the General Conference. For Report, see Letter I., No. 7.

"It was moved and resolved, That the President be requested to call a special session of the General Conference, to take into consideration some points of discipline.

"The President accordingly called a special session of the General Conference, to be held forthwith.

[The above resolutions were, to the best of my knowledge and belief, adopted unanimously.]

(Truly extracted.)

"EGERTON RYERSON.

"*Kingston, Oct. 11th, 1837.*

"Witness then handed in the following :

[Extracts from the Journals of the General Conference, held in Toronto, October 7th, 1833.]

"Special session of the General Conference, called by the President at the request of the Annual Conference, Oct. 7th, 1833, at York.

"NAMES OF MEMBERS.

[The same as were present at Hallowell, mentioned on page 48, and are therefore omitted here, though they were given in to the Court.*]

"Egerton Ryerson was chosen Secretary.

"The Report of the Committee of the Annual Conference on the Discipline was maturely considered, and adopted *nem. con.*" See Letter E., No. 8.

[Although this sworn testimony of the Secretary of the General Conference, that a "Special meeting of the General Conference" was duly called in October, 1833, at York, which affirmed all the changes in due form in my first edition, Mr. Perritt has the hardihood to say, that it

* Of those mentioned on page 48, as constituting the members of the General Conference, J. Gatchell and K. Barton were absent at the session in Hallowell. Mr. Gatchell was present, however, at Toronto.

was the *Annual* and not the GENERAL CONFERENCE which carried the measure in 1833 ! For the moment I had forgotten this while dealing with his quibble. Let the reader not forget this point.]

2. *The Church's having Changed her Name was Another Reason given why she had lost her Identity.*

This is a frivolous objection. On the same principle, a lady whose name is changed from her maiden one to that of her husband by a legal marriage, ceases to be the same person she was under her former name ; and forfeits all the property to a person who unwarrantably assumes her maiden name, after she is known by her husband's name ! As well might a noble steamboat, which has undergone some change in her ownership and relations, has been refitted, and has had the name on her stern somewhat modified, be run off the route, and her monied earnings claimed by a tiny craft which had been built out of a few spars and splinters once belonging to her outworks and rigging, since these changes were legitimately made, receive her original name and claim to be the same identical steamship ! Or as well might an incorporated college which bore a particular name, because it had come into a new affiliation, and had some words in its original designation changed, although all the changes have been made according to the constitution or charter, and according to law, be robbed of all its rights and endowments by an upstart school got up by a dissatisfied usher and some refractory students, after all the changes have been legally made and ratified. Or as well might a discontented clerk in a commercial establishment, upon the original house taking a new partner, however regularly, and carrying on the original business, with the name of the firm somewhat modified, set up business for himself under the old name, appropriating the trade-mark of the legal establishment, try

to secure all the original customers, and even claim the property of the concern—a course of procedure which all would pronounce unjust and absurd.

This very objection was anticipated and provided for before any change was made. The Conference of 1832 ordered the consultation of *Messrs. Bidwell and Rolph*, an eminent legal firm of that day, on the legal effect of changing the name of the Church. And early in the next civil year, months before the delegate left for England, the editor and the minister in charge of York Station waited on the legal gentlemen referred to with categorical questions prepared by the Conference, which are implied in the answer they received, which I herewith give, and which speaks for itself :—

“ YORK, 5th January, 1833.

“ GENTLEMEN,—We had the honor to receive last evening your note of this month, in which you state that the Conference of the Methodist Episcopal Church in Canada desired us to give our opinion on the question, ‘Whether the abolishing of the Episcopal form of Church government from among them would jeopard their Church property.’

“ We are not aware that there has been any adjudication exactly in point; but it has been decided that, if a corporation hold lands by grant or prescription, and afterwards they are again incorporated by another name, as where they were bailiffs and burgesses before and now are Mayor and commonalty, or were prior and convent before, and afterwards are translated into a dean and chapter, although the quality and name of their corporations are altered, yet the new body shall enjoy all the rights and property of the old. 4 Co. 87—3 Burr., Rep. 1866.—Judging from the analogy of this case, as well as from other considerations, we are of opinion that, if Episcopacy should be abolished in your Church, and some other form of Church government should be established in the manner mentioned in your book of

Discipline, the rights and interests of the Conference in any Church property, whether they were legal or only equitable rights and interests, would not be impaired or affected by such a change.

"We have the honor to be, reverend gentlemen,

"Your obedient, humble servants,

"MARSHALL S. BIDWELL.

"JOHN ROLPH.

"Rev. Messrs. J. RICHARDSON and A. IRVINE."

There was a postscript to this letter which I did not give, because unnecessary, and because I wished to make my argument as concise as possible. I give it now, with all Mr. P. endeavors to make out of it:—

"P.S.—Since the foregoing was written, it has occurred to us that there might be cases (although we are not aware of any) in which property has been given to the Conference, or to Trustees for their use, on the express condition that their interest should continue only while the Episcopal form of Church government was retained. It will be understood, of course, that we have not intended to express our opinion respecting property held either upon these terms, or upon other special or peculiar conditions; as the rights of the Conference in such instances, if there be any, must depend on the particular circumstances of each other.

(Signed)

"MARSHALL S. BIDWELL.

"JOHN ROLPH."

"It will be seen," says Mr. Perritt, "by the observing reader, that this postscript touches the very point for which we are contending—that the property was 'given to the Conference or to Trustees for their use on the express condition that their interest should continue only while the Episcopal form of Church government was retained.' Can any one doubt that this was the 'express condition' on which all Church property was given previous to 1843? The form of deed as given in the Discipline of 1829 puts this beyond

any possible doubt. It conveys the 'tract or parcel of land, with the building or buildings erected, or to be erected thereon, and all the appurtenances and privileges thereof, to them the said Trustees and their successors in the said trust forever, for the site of a Church, meeting-house, and burying ground for the use of the members of the *Methodist Episcopal Church in Canada.*' (See *Discipline* 1829, page 123.)"

If all the property deeded to the Church, while bearing the name of the M. E. Church, came under the "express condition," then why did not the prosecutors in the six several chapel suits recover? In an ordinary deed, there was no express condition that their "interest only should continue while the Episcopal form of Church government was retained. The property was given for "the use of the members of the *Methodist Episcopal Church in Canada,*" it is true; but then, the constitution of that Church provided for "doing away" with the Episcopal feature. If a bequest expressed such a condition, then perhaps, after the Union, that particular bit of property would have been forfeited, if the heirs had challenged it, though I never heard of such a case, unless, indeed, the case was defended on the principle laid down by Bishop Hedding, who maintained that all the essential elements of Methodist Episcopacy were retained in the new Discipline, and that the changes made did not necessarily require a *change of name*; and that we might have still been called the Methodist Episcopal Church of Canada. [See Methodist Chapel Property Case. But a forfeiture such as that above stated, if it had occurred, would not have affected the great total of connexional property. Because such a deed of gift would not have been in disciplinary form.]

The soundness of Messrs. Bidwell and Rolph's legal

opinion was confirmed, as well as the constitutional regularity of the proceedings in the Union measure, by the issue of no less than six several suits which the self-created Episcopalists instituted to possess themselves of property belonging to the original Methodist Church of the Province of Upper Canada, which were as follows :—

1st The chapel in the Jersey Settlement, Gore District.

2nd. The Rock chapel, Gore District.

3rd. Lundy's Lane chapel, Niagara District.

4th. The Belleville chapel, Victoria District.

5th. The Waterloo chapel, Midland District.

6th. The Chapel ground in Bytown.

Further, that the preservation of an original *name* is in nowise indispensable to the solidarity and identity of a Church, and its claims are implied in several authoritative statements which have been produced, especially that of the Rev. Ezekiel Cooper.

Examples in illustration and confirmation of this position might be furnished from other lands and times. Not to go back too far, or beyond our own country, many such examples might be produced from the Presbyterian churches of this land, in which I do not pretend to claim more than substantial correctness. Several of the older Presbyterian churches, such as Prescott, Brockville, Perth, York, &c., at the first, I believe, stood in connection with the Synod of Ulster, in Ireland. Next, they appear in connection with the Church of Scotland, which involved some change of name, as well as administration, yet their identity was not destroyed, or their rights impaired. The same was true, after the changes brought about by the Union of the "Canada" and "United" Presbyterian Churches. The same holds good with this united body after its Union with the residuary Church of the Province, and all attempts to

prevent the property going into the new organization have failed. The Union of the first "Canadian Wesleyan Methodist Church" with the "New Connexion," and the combination of these two names in one, did not destroy the identity and claims of the former. The last and largest unifying Methodist measure, because done constitutionally, has withstood all appeals to the law to prevent the property of any one of the sections from going into the united body, though now under a new name.

The last objection to the Union measure, and the changes involved in that measure, were—

3. *The body which previously elected one of its own members to preside over the deliberations of the Conference and to superintend the Connexion, afterwards received a President from the British Conference, who possessed the administrative authority also.*

Even so! The General Conference, both of the United States and Canada Churches, had power to change the mode of appointing their presiding and superintending officers into any form, and to confide the office to what hands they liked. A General Superintendent from England, or who resided principally or wholly in England, did not destroy the identity, autonomy, or even independence of the Methodist Episcopal Church in the United States, and by consequence did not destroy that of the Canada Church. Observe the following reading of the American Minutes in 1789: "Question 7. Who are the persons who exercise the Episcopal office in the Methodist Church in Europe and America? Answer. *John Wesley, Thomas Coke, Francis Asbury.*" The intelligent reader does not require to be told that Wesley resided wholly in England, and Coke principally, yet they belonged to both Connexions. The Articles of the first Union did not empower the British Conference to appoint the same person

to be President oftener than "once in four years ;" or in the event of failing to do it, as they did in 1840, the Canada Conference had power to elect one of its own members to that office. For seven years this Conference elected its own President and administered its own affairs without any change in the name or the essential organization of the Church.

The immediate, original mother of the Canada Church received the delegates of that Church each succeeding four years, at its General Conference, not only without hesitancy, but with cordiality, as the lineal descendant of the Church it at first planted, and as co-ordinate with itself, on the principle that none of its changes of name or administration had destroyed its identity or impaired its true Methodistic validity.

The above line of argument might be greatly expanded, illustrated, and fortified, but my object has only been to give an epitome of the case throughout, as being thus more likely to be read and understood than if it had been more extensively amplified. I have, therefore, reserved plenty of materials for strengthening any part of this fortress that may be assailed. And here I might stop.

For what is the fair inference from the facts and arguments I have adduced? If Mr. Wesley and all sound and sensible Methodists believe that no exact form of Church government is laid down in the Scriptures ; if he and they believe that elders and bishops are but one and the same order, and may ordain indifferently, yea, that there are other modes of ordination than by imposition of hands—that any one particular name is not essential to the existence of a true Methodist Church, and that its essence consists in something more vital—that a Presbyterial Wesleyan Church in Europe and a Presbyterially Episcopal one in

America are co-ordinate, and that all the changes involved in the translation of the Canada Church, through a brief period of independency, from an immediate connection with the latter to an immediate connection with the former, were constitutionally made, and that one must be the original and true Methodist Church of the Province—and finally, that, therefore, any ecclesiastical body claiming that position must be a *pretence* and a *fraud*, I might rest the case here; but I fear our would-be rivals are so pertinacious that I shall be forced to advance one step further, and—

VII. EXAMINE THE CLAIMS OF THE REDOUBTABLE CHALLENGERS.

In order to eliminate the real truth from what some have made a tangled, heterogeneous mass, I will apply several tests in the form of questions, and honestly inquire what answers contemporaneous history affords. One of the first questions that should be asked is the following :—

Who originated the body now claiming to be the true Methodist Episcopal Church of Canada ?

In answer, I am justified in saying :—One located elder—one who was once a travelling preacher, but who had been out of the Connexion twenty-two or twenty-three years—(some say expelled)—two that had been on trial two or three years, but were never received into full connexion—one who had attained deacon's orders as a travelling preacher, but had been located twenty years at the time of the Union in 1833—one superannuated preacher—one who located to escape notification of location for inefficiency, after the Union was effected—and a few local preachers, one or two of whom had been hired by a Presiding Elder to travel on circuits for short periods—some exhorters—and a few dissatisfied officials and private members, and an augmentation in succeeding months and years of other adherents,

not dissimilar to those who went to David in the cave of Adullam, as recorded in Samuel, chapter xxii. and verse 2nd, which see.

What was the order and the dates of their respective adhesions to this enterprise ?

If we allow Dr. Webster's (their own historian) version of the successive opposition movements against the Union measure that transformed the Methodist Episcopal Church in Canada into the Wesleyan Methodist Church in Canada, and his dates as I have given them on a former page, then (1) the *Rev. David Culp*, once a travelling Elder, who had located eight years before the Union was consummated, was about the first who evinced overt hostility to that measure. Yet there is no evidence that his opposition at the first went any further than dissatisfaction with the prospect that no one becoming a local preacher after 1833 would receive ordination.

The next in order, and probably greater in mischievousness, was *Mr. John Bailey*, to whom I have already referred, who was given, and took an appointment from the Wesleyan Methodist Conference after the Union was consummated in 1833. This was done, as I have shown in another place, to save his own and family's feelings ; and he betrayed the trust voluntarily assumed by him. Let us hear this gentleman's admission, on oath, under cross-examination, during the progress of the Belleville Chapel Property trial :—" It was witness's desire to be admitted a member of the travelling Connexion at Toronto in 1833. They agreed to the Union before he received his appointment to a station."*

* Belleville Chapel Property case. [Mr. P. is horrified that I should say anything to the disparagement of so good and venerable a man as Father Bailey. I say nothing against him in the ordinary relations of life ; but nothing can overthrow what I have said of his treason to the Conference.]

One of the earliest who co-operated with Mr. Culp was *Daniel Pickett*,* a man who had earned no right to be listened to with respect in such a juncture. He had been received on trial for the ministry in 1800, and had been for some years considered reliable as a preacher, but in 1809 his name was discontinued from the Minutes without any reason assigned. He went into business and fell into some difficulty. The report was current when I became a Methodist, in 1824, that he had been expelled. The probability is that the Rev. Henry Ryan dismembered him during the interregnum which comprised the war period (1812-15). As early as 1820, at least, he had commenced the attempt to raise a body of "Provincial Methodists," and with that view he preached in various places about the head of the lake. During the Conference year 1831-32,† Mr. Ryan being out of the way, he made application to the District Conference ("Local Preachers'") and was re-admitted as a local preacher,

* Mr. P. makes a great outcry against me anent Mr. Pickett's name, as though I had recalled my own words in my Biographical History, where I spoke favorably of his character and labors in the early part of his career, but that was full thirty years before, while his expulsion and many years' endeavors to raise a body of independent "Provincial Methodists" intervened between the one date and the other. I say nothing against his *character*, but all that I did say in the text of the EXPOSITION, I re-affirm. Mrs. George Falconer, of Toronto township, still living, is my witness as to his founding a sect, her father being a member of it; and the Rev. Jacob Poole is my witness of his restoration so late as 1831, for he was present. The Rev. John Ryerson, who says that Pickett was of "no church," in 1834, must have been misinformed.

† I accept of Mr. Perritt's account of the date of Mr. Pickett's return, 1832; that gave him only *one* year in the church before the Union was ratified; a wonderful standing, truly, to entitle him to condemn a whole Conference. There is no evidence that he was ever "connected," as Mr. P. says, "with the Ryan movement."

the Rev. James Richardson presiding. The Discipline provided that where an ordained local preacher was expelled, his orders should be demanded and deposited in keeping of the Annual Conference, which was the only authority which could restore the parchment again. It is morally certain that the Annual Conference never restored Mr. Pickett's orders, but it is likely that no person ever challenged his right to dispense the ordinances, and the matter went by default ; but, if strictly canvassed, it is almost certain that this person who claimed the right of joining in the ordination of a bishop was not even a *bona fide local Elder*. A pretty man was he to fly in the face of the unanimous action of sixty of God's servants who had kept on in their proper pastoral work, and made all the arrangements with the view of subserving the best interests of the Church, and with the utmost scrupulosity in observing constitutional requirements.

Mr. Bailey was one of the two who had been on trial, but not received into full connexion ; *John Wesley Byam* was the other. He was received on trial at the Conference of 1817, and travelled the year 1817-18 and at least a good part of 1818-19, but before ordination lost his status as a preacher. After some time he regained his standing as a *local preacher*, and so far earned the confidence of the circuit on which he lived as to be recommended to the Conference for orders as a *local deacon*, which he received at Saltfleet in 1825. Farther than this he had not gone when he took part in the earlier Conferences of the new organization. If the accuracy of this statement is challenged, I will give particulars which I now pass over.

I have said that one had located to escape notification for location ; this was *John H. Huston*, who, after being a long time under a Presiding Elder, without being able to secure

recommendation by a circuit, was received on trial in 1827, but had to travel three years, instead of two, before he received *deacon's orders*. Three years after, when the Union was consummated, he received ministerial orders at the hands of the new English President, the Rev. GEORGE MARSDEN, in 1833; but his chairman, the Rev. James Richardson, finding it hard to procure him a circuit because of inefficiency, moved, "That Brother Huston receive notice of location," which would have gone into effect in a year from that time; upon which he was led to ask for a location at once, which was voted without delay. His dissatisfaction of mind prepared him for co-operating with the dissatisfied ones; and in 1835 we find him among the four consecrators of the new bishops, and ranking among the founders of a Church!

The remaining two Elders who went to make up the five who constituted the first General Conference which elected a bishop were *Messrs. John Reynolds* and *Joseph Gatchell*. For certain reasons, though he gave in his adhesion later than any of the rest, I will present the case of Mr. Reynolds first. It is quite important to consider it carefully, as this was the gentleman chosen to be their first bishop, on whom all their claims to Episcopacy, and all the traditional heirships of the Church, hinged.

Mr. Reynolds was received on trial in 1808, and travelled between three and four years, at which time he had to discontinue for want of health, and before he received Elder's orders. But these he received as a *local preacher*, according to the usage which then obtained, at the first session of the Canada Annual Conference, in 1824; but he never returned to membership in the Conference, and was a local preacher at the time the Union was consummated; and we have seen, and shall further prove, remained in the Church after the

Union, filling various offices, till July, 1834 ; “ but it was not till the early part of September he finally withdrew ; ”* so that in uniting to reconstruct a Church, which had gone out of existence, constitutionally, so far as it respected the original name, he was making himself, to all intents and purposes, a *seceder*.

It must be plain to any one who has studied the question in the slightest degree, that neither of the four persons already mentioned, *Messrs. Culp, Pickett, Huston, and Reynolds*, had any pretence for claiming to be “ travelling Elders ” and to sit in a General Conference, much less to constitute one *in toto*.

But the pretenders’ plea is, that the *Rev. Joseph Gatchell* having never gone with the Union measure, constituted the true Conference in himself, and having re-admitted these four Elders into the travelling Connexion, they five convoked themselves as a General Conference, elected and consecrated one of their number as a bishop, and put all the machinery of the original Church once more in operation ! We shall see, by my giving his veritable history, what grounds there were for putting in these claims for him and their Church. He was a “ travelling Elder ” in its technical sense at the Conference of 1834, in the Minutes of which his name appears as a *superannuate preacher*, and for the last time. He had been received on trial in 1810—travelled three years, and located in 1813—he remained located eleven years, that is, till 1824, when he united with the travelling Connexion again, and labored as an effective preacher until 1830,—six years,—when he superannuated—the change of the constitution in 1831 gave him a seat in all the General

* Proven by Rev. Henry Williamson’s sworn testimony, who was Mr. Reynolds’ pastor at the time.

Conferences which followed. He was known to be somewhat opposed to the Union measure, and when the final vote was put in 1834, he withdrew from the General Conference room to avoid voting either way, but told his fellow-lodger, Rev. R. Corson, that he did not intend to dismember himself from the Conference. He continued to labor in protracted meetings through the Conference year 1833-34, if not 1834-35 also; but the former year he received his superannuated allowance from Conference funds, and is duly charged with it in printed Minutes of 1834, one year after the ratification of the Union.* He was not at the Wesleyan Conference in Hamilton, which commenced June 10th, 1835, and is not mentioned in any form, neither "located," "withdrawn," or "expelled." But about that very time,—June 5th, 1835,—while the second Conference after the Union was being held, he and the four local Elders already named "met and resolved themselves into what they called a General Conference, and elected one of their number to the office of a bishop." This is stated in the Journals of the American General Conference in Cincinnati, to which they had applied for recognition, dated May 14th, 1836, and affirmed by the Canada Episcopalians themselves, by their publishing it in the Minutes of their Annual Conference for 1836, which met in "Belleville, June 21st" of that year. That there may be no dispute about it, I herewith give the Report *in extenso* as they presented it:—

* The claim that what he received as salary was due before the Union, I believe to be a pure invention. And the statement that he in no sense continued a member after 1833, is also apocryphal; but if the Episcopalians could succeed in securing Father Gatchell throughout, as "One swallow does not make a summer," so one person cannot make a Church or a Conference. But I know whereof I affirm, and testify that which I have seen.

"GENERAL CONFERENCE OF THE METHODIST EPISCOPAL
CHURCH, CINCINNATI, OHIO, MAY 14, 1836.

"The Committee to whom was referred the address of sundry persons in Upper Canada, claiming to be the M. E. Church in that Province, beg leave to report—

"That they have had an interview with the individuals appointed by those persons, and who were the bearers of the address, and have availed themselves of such other sources of information as were within their reach. And they find that in June, 1835, certain persons to the number of five, only one of whom was a travelling preacher, the others being local Elders, met and resolved themselves into what they called a General Conference, and elected one of their number to the office of a bishop, and the remaining four proceeded to ordain and set him apart for that office, and immediately held an Annual Conference, from the Minutes of which it appears that they then numbered twenty-one stationed or travelling preachers, twenty local preachers, and 1,243 members of society. It appears there have been additions since, both of preachers and members. In view of all the circumstances, as far as your committee has been able to ascertain and understand them, they are unanimously of opinion the case requires no interference of this General Conference.

"All of which is respectfully submitted.

"D. OSTRANDER, *Chairman*.

"Cincinnati, May 14th, 1836."

I think enough has been said to show that Joseph Gatchell *et al.* had no ground in Methodist or general law to set up the claims they did; nay, that their claims were preposterous in the extreme. These persons had a natural right to organize a Church to their taste; or, to state it more properly, to take the responsibility of opposing and thwarting a perfectly legitimate and well-intentioned measure. But their proceedings were of a kind for which there was no provision in the Discipline of the Methodist Church. It is true

the Discipline provided, that "If by death, expulsion, or otherwise, there be no bishop remaining in our Church," then "the General Conference shall elect a bishop; and the Elders, or any three of them, who shall be appointed by the General Conference for that purpose, shall ordain him according to our form of ordination." But the General Conference of yore, by constitutional provision, was merged in the then existing Conference of the Wesleyan Methodist Church and certainly did not exist in the five men described, only one of whom would have been competent to vote in that General Conference, if it had continued; besides, that General Conference, by a unanimous vote, had agreed to "do away with Episcopacy,"—to do away with it even in theory. Farther, the conditions to which the clause above quoted refer did not, and could not, exist. There had never been a bishop to *die*, be *expelled*, or "otherwise" be disposed of. Although they might have had a natural right to create what they called an Episcopacy, they had no legal Methodist right to do any such thing. No wonder, therefore, that one American Methodist editor should have pronounced the proceedings "little less than a solemn farce."

[In the arrangement made between the Canada Delegates and the American General Conference, in 1828, the latter consented that, whenever the Canada Church chose to elect a bishop, one of their bishops should be permitted to ordain him. Were the organizers of the present M. E. Church of Canada so confident of the legitimacy of their proceedings as to apply for the fulfilment of their pledge? And would the American bishops have consecrated Mr. Reynolds if applied to? Have any the temerity to answer these questions in the affirmative? And does not the absence of this link in the chain invalidate the claim they set up?]

Then, also, viewing it on general religious grounds, was

there anything to justify it? Here is a branch of Methodism which at first intends to adopt the Presbyterio-Episcopal form of Church government; but they have never succeeded in securing an *Episcopos*. In the meantime, the oldest, or parent branch of Methodism, having entered on the same ground in the prosecutions of missionary openings, as Church government is a secondary matter in Methodism, it has been thought best that these two branches should combine for the evangelization of the country, each one giving up some peculiarity, adopting some feature of administrative economy from the other, all of which changes were made constitutionally. Was it kind and Christian-like in a very small minority to try to force their views on the majority? or to rend the peace and unity of an otherwise prosperous Church because their views could not be met? Did they not justly lay themselves open to the suspicion that their opposition was founded in one or more of the following causes—one or two in some, and all in others—namely, prejudice, bigotry, vanity, ambition, want of humility, and love of ascendancy and notoriety? If I am forced at last to speak out, I must say I have never changed the opinion I had then, that their stand was unwarranted and wrong—Oh, it was enough to make angels weep to witness the strife and evil-speaking which were resorted to to rend happy societies apart.

The manner of prosecuting these divisive objects, and the reasons for their success, are honestly put, and expressed in the most temperate language and kindest spirit, in my Biographical History, which I here reproduce, as I choose to treat this matter in the judicial, rather than in the controversial, manner:—"At first their accessions were mostly from the old body, for a disruptive spirit is not usually the spirit of revival. They drew on the Wesleyan Church in various ways and for many years. First, there were the

disaffected local preachers and their immediate friends. . . . These local preachers showed the most untiring industry. They visited nearly every local preacher in the land, and tried to shake his adherence to the Conference. Wherever they heard of a dissatisfied or susceptible class-leader, they visited him, and tried to secure the adhesion of him and his class to their measures. They did the same with individual members of the Church. The most unfounded stories were put in circulation against the Conference and individual ministers, adapted very much to weaken the influence of both one and the other. These, because of the political prejudices awakened by causes already described,* were very largely believed, and caused the members of the Conference, in many cases, to tread a thorny path; and this rather increased than diminished for many years. The Episcopal brethren appealed to the sympathy of the so-called reforming politicians of the day, and received it largely. This to them was a great source of gain and support. Then, no doubt, as they saw everything depended upon it, their preachers labored hard, despite all privations. They went into neighborhoods where the Wesleyans had no services, and raised up classes. Many a Wesleyan brother was persuaded to take the leadership of such a class; many a local preacher was lured over with the prospect of obtaining a circuit!"

Every line of the above is true; and this method was pursued with effect for full ten years after the disruption. Their misrepresentations relative to their claims of being the original Church of the land, long years after, confused and inveigled many a quiet, uninformed country society, and divided or totally alienated them. A tithe of such proceed-

* Reference is here made to some matters which for a time procured the Wesleyan Conference the ill-will of the Reform party.

ings could not be particularized. I sadly remember Edwardsburg, the Manning Settlement, the Dalson neighborhood, and many others.

But the most embarrassing aspect of this whole matter is, that this people, who were directly refused recognition by the American General Conference in 1836* and in 1844, after years of endeavor to leaven a certain class of American Methodist ministers with their ideas and with sympathy for them; and upon their advice, in 1856, applied to that body for a "*friendly* recognition," and going early, before our delegates had arrived, it was carried in the sense of a *quasi* acknowledgment. If they had worn their honors meekly, although anomalous, it might not be worthy of remark, but the use they make of it in this country, I am quite sure, is anything but what the most considerable of the American ministers intended and expected at the time. This I saw from the indignation and regret expressed to me by the two Drs. Peck and Dr. Hibbard at the General Conference in Philadelphia, in 1864; but when a committee was struck to examine the matter, there being a portion of their friends upon that committee thoroughly schooled in the mode of proceeding, when I, as the senior representative, commenced to make a statement of the facts of the case, I was immediately called to order by the Rev. Mr. Blades, their special friend and advocate, on the ground that I was "making an attack on a Church with which they held fraternal relations." It was in vain I pleaded that "that was the very point to be examined; namely, whether it was intended to give them such a recognition as endorsed the regularity of their origin and standing; and if so, was it correct and proper?" But Mr. Blades having effectually retarded any progress in the

* Rev. John Ryerson has totally ignored their sending Messrs. Bailey and Powley in 1836.

inquiry, the committee adjourned ; and at a subsequent session of the Conference, the committee itself was discharged.

[Mr. P.'s endeavor to give some other view of the matter mentioned in the above paragraph, I leave to have all the weight it can carry—I re-affirm every line I have written.]

If this spurious section of Methodism had been quiet and allowed bygones to pass, and shown a disposition to deal in the spirit of candor and concession with the exigencies of general Methodism at the present hour, as a great fact confronting us for solution, I think my past course should cause me to be believed when I say, I should be the last to revive old issues ; but when we find an extemporized Methodist Episcopacy flaunted in our faces, and we ourselves tolerantly treated as erring "*seceders*," it is a little tough that we have to fraternize and tacitly endorse these pretenders in the largest court of Methodism on the continent.

My own final opinion now is, that if the American General Conference cannot induce their *proteges* to conduct themselves with decency ; if we must listen to the diatribes of Bishop Carman in this country, and then meet him and endorse him by our representatives there ; if we hold fraternal relations with that great division of Methodism at all, then I say, we had *better forego the honor altogether*. If these circumstances continue, I DELIBERATELY GIVE IT AS MY HUMBLE OPINION, THAT WE SHALL CONSULT OUR DIGNITY BEST BY SENDING NO DELEGATES TO THE GENERAL CONFERENCE OF THE METHODIST EPISCOPAL CHURCH.

[Two of our Canada organs demurred at the utterances in the last two paragraphs, upon which I almost immediately sent the following to the *Christian Guardian*, which was admitted to its columns. I insert it here as the best further exposition of my meaning and position :

Messrs.

"OVERDRAWN.

"It is usually considered undignified in the author of any publication in book form to reply to any strictures upon the book, unless in a second issue of the work; and I signified my purpose in the notification I gave of a forthcoming tractate on a vexed question 'not to be drawn into any newspaper controversy.' And now that my 'Exposition' has been launched, I do not intend to depart from that purpose in replying to any strictures on the argument it embodies,—which, by the way, so far, has not been challenged,—but I may forestall a good deal of the declamation which is being poured forth anent a mere adjunct, or conclusion, by saying, *more is made of it than was meant.*

"The advice with which I concluded may have been unfortunately worded, but (1) I did not presume to speak for more than *myself*, or more than to give 'my own humble opinion;' (2) I did not mean that as a threat to the great Methodist Church of the United States; for no action of ours would be likely to affect them much, one way or the other; much less did I mean to counsel such a course as an exhibition of displeasure; nor even to prevent the Episcopalians being treated in a friendly manner; (3) but I did feel then, and I feel now, that if our own and the Episcopalians' claims to legitimacy and regularity must be placed in competition and rivalry before that venerable body, by both appearing there, and each claiming precedency of the other, to the disgrace of Canada and Canadian Methodism, it would be best for our own quiet, peace of mind, and 'dignity,' if you like, to abstain from appearing on that theatre altogether. And that the rather, because we receive no reciprocal advantage; for while we designate every year scores and hundreds of members, leaving for the United States, to the Methodist Episcopal Church of that

land, as the one with which we fraternize, we, in return, are not likely to have many designated to us while a Church in Canada receives fraternal recognition by them, rejoicing in the same name and exhibiting an outward form of Church order like their own. Yes, and while their officials are practically giving priority to them. In a late 'Itinerary' of the Bishop of the Canada M. E. Church, he complacently mentions Bishop Foster's inviting him to preside during part of the deliberations of the late Detroit Conference.* Is it likely that the American Episcopos would invite the President of one of our Annual Conferences to occupy the chair in his own place?—or even the venerable President of our General Conference himself? We must see it done before we can believe that he would. Now the editors are made to know what I meant, they can say exactly what they deem required."

As further evidence of the weight which the very *name* of a Bishop carries with our Episcopal brethren in the United States, I clip the following communication, made to that paper, from the *Canada Christian Advocate* :—

" BISHOP CARMAN.

"The West Wisconsin Conference was in session last week. The brethren had a fine time, and just in the midst of the work a little man, looking care-worn, dropped in their midst. He said he was 'passing to and fro in the earth,' but now returning from Manitoba. It was quickly learned

* I wrote the above from memory of the article in which it had place; since it was written I have turned to the statement in question, and find that the words referred to are literally the following, which I give, lest I should be guilty of any measure of misrepresentation :—
"Bishop Foster was presiding; gave the writer a hearty welcome; favoured him with attendance in cabinet, and intimated a willingness that he should preside in business of Conference."

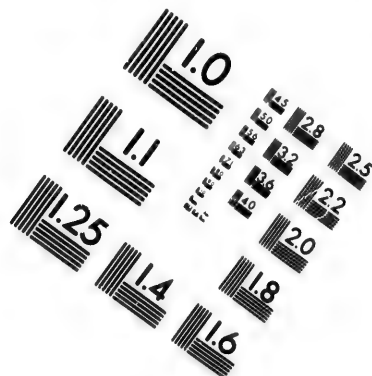
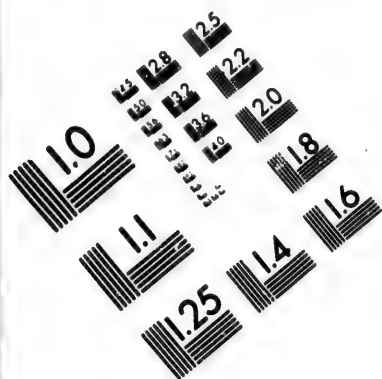
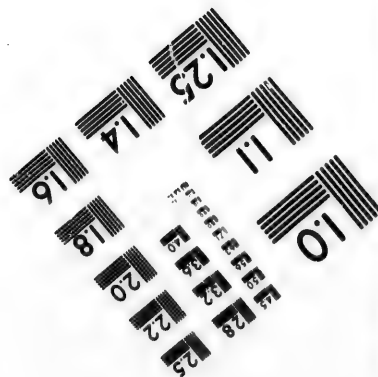
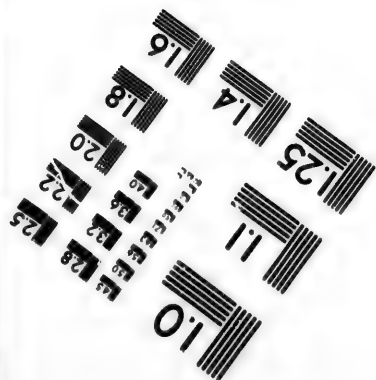
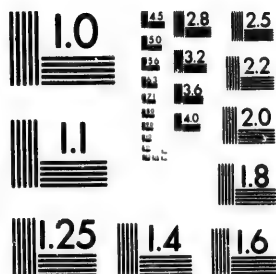


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that he was Bishop Carman, of the Canada M. E. Church. They soon found that he was a live Bishop, full of fire and accompanied with the Holy Ghost ; though small in stature, yet powerful in work. Happy is that Church who has such a man to lead them. He preached on Sabbath at 2 p.m. with great power and acceptability. The leading points of his sermon were ably planted. His visit and sermon will not be soon forgotten. The ministers of the West became deeply interested in him, and also in the Church he so Christly represents. May the Lord ever give success to him and the loyal M. E. Church of Canada !

“ PREACHER.

“ Wis., Oct. 10th, 1877.”]

[To all that my reviewer has said in the section entitled “THINGS THAT OUGHT TO BE KNOWN,” I devote only a very few lines. As far as that section touches the general question, I have in one way or another amply considered those points ; and as to the particular matters referred to, I have no connection with them ; and several of his direct inquiries I do not understand, for the simple reason that I know not the cases to which he refers. I was not the author of the letter signed “ONE WHO KNOWS,”—I usually write over my own name ; I know nothing of the “farmer” and the “minister” referred to, or what connection it has with our controversy ; and as to the severe language uttered at Montreal, I am not its defender.]

CONCLUSION.

I have now finished a very unwelcome task. I have written merely because our Canada Episcopalists trumpet a position which, if successfully vindicated, places the oldest and largest Methodist body of the Dominion before the world in the light of a “secession,” instead of the identical original Methodist Church of Canada ; but I think I have

shown irrefragably, that the true history of the Church planted by Losee, Dunham, and Case is found in the present Methodist Church of Canada. I do not say that those bearing other forms and names are not essentially Methodist. Nay, I believe they are so much so that if no improper use of bygones is made by them, we may profitably hold the most intimate fraternal relations with them, and labour for, at least, federal relations, if we cannot have an organic Union. Henceforth, so far as I am concerned, the questions I have discussed shall be relegated to history.

Praying that true Methodist teaching, experience, zeal, and success may characterize all that bear the generic name of Methodist, I write myself "the friend of all, the enemy of none."

** I wish to say to all distinctly, that there is no one responsible for any opinions or principles put forth in the above tract, or in any of my works; for, while my able challenger comes forth clad in the mail of no less than three, if not four, Conferential resolutions, I appear alone with simple sling and stone, unauthenticated—no Conferential *invitation* or *resolution* of thanks having ever been passed as it respects any of the works which I have written, intended to serve the interests of Methodism; so that any one who, while he "holds with the hare, would like to run with the hounds," if challenged with anything I have said, which he does not like to avow, he can set it down to "Father Carroll's crochets."

THE END.

APPENDIX.

ANSWERS TO CERTAIN INQUIRIES ADDRESSED TO SEVERAL MINISTERS CONCERNING THE OBJECTIONS TO THE RULE RELATIVE TO WEEKLY AND QUARTERLY CONTRIBUTIONS.

I give them in the order in which their letters arrived.
The Rev. Mr. Young writes as follows :—

“TRENTON, Nov. 12th, 1880.

“DEAR BROTHER CARROLL,—

“In answer to your question, I can say that I have a distinct recollection of the use made by the promoters of the Episcopal Secession in 1835-6-7 of the ‘penny a week and shilling a quarter ;’ and with the poor, as well as with the narrow-minded, it was very successful. More than this, a few years ago one of their old preachers told me that their success in the free use of the objection to our ‘penny a week and shilling a quarter’ had contracted the views of their people, and that they were now paying the penalty in receiving a more limited support than the Wesleyan Ministers got.

“I think full justice has never been done to the argument drawn from the following *facts* :—

“I. When we were separated from the U. S. A. in 1828, the General Conference agreed that when the Canadian Church should elect a bishop, one of their bishops should ordain or consecrate him.

“II. When they elected Reynolds, they knew their position so well that they never even asked for a Methodist bishop to ordain him. Their being the *old body* was an *after-thought*.

"III. This is further established by what I have been told is the numbering of their first Minutes of Conference.*

"I am not anxious to have this controversy perpetuated for ever, but I would like to see the important facts and arguments fairly stated, and then the future historian would not be led astray by false statements.

"Wishing you great happiness in your old age,

"I remain, as ever, yours,

"W. YOUNG."

The rev. and venerable *Richard Jones*, who was an active participant in the doings of the Conference from 1828 to 1836-7, answers my inquiries in these words:—"As for the schismatics to deny that they at the beginning made any capital of the regulation concerning the *penny a week and the shilling a quarter*, is only of a piece with the rest of their false statements. I have a distinct recollection of the trouble they gave me on the Hallowell Circuit in 1835." He then tells a very ludicrous story, illustrative of the question of the contributions, giving the names of the actors in the same, but it might seem trifling to recite it. He says, however, "You have advanced nothing but what is true."

The *Rev. Dr. Evans* replies as follows—I leave his letter to speak for or against me, as it may be interpreted:—

"LONDON, Nov. 16th, 1880.

"DEAR BROTHER CARROLL,—

"In reply, I can simply say that at an early period after the organization of the M. E. Church to which you refer, the clause in the Discipline to which you also refer was used by some of the heated separatists to create an impression that the Wesleyan Church was about to levy taxes on the members, instead of relying, as formerly, on voluntary con-

* Father Young must mean their Missionary Reports: these Minutes are simply for the year. Their first, however, is for 1835.

tributions. Whether the effort to unsettle our people in that way was generally made, or whether it succeeded to any great extent, I am unable to say.

"It is a pity that those old controversies should be stirred again.

"Yours truly,

"EPHM. EVANS."

The *Rev. Lewis Warner's* testimony is as follows:—

"DEAR DR. CARROLL,—

"I have no doubt but that the introduction of Mr. Wesley's original rule relating to the *one penny a week and a shilling a quarter* into the Discipline, at the time of our Union with the British Conference, drove away from our Church *hundreds* of members. The Episcopal ministers made that a kind of text wherever they went, and frightened our people.

"LEWIS WARNER."

I might get a similar testimony from every aged minister conversant with the time of division, but I forbear.

OPINION OF THE HON. CHIEF JUSTICE ROBINSON ON THE
WATERLOO CHAPEL CASE.

Doe, on the demise of the Trustees of the Methodist Episcopal Church in the Township of Kingston, vs. Thomas Bell.

The question which stands for our decision in this case is one interesting in its nature, and of much consequence, I apprehend, to numerous congregations of Christians, affecting, in no small degree, their peace and welfare. This Action of Ejectment is brought at the instance of certain individuals who claim to be the Trustees holding the legal estate in a small piece of ground, with a meeting-house built thereon, which was used for some years as a place of worship, by a congregation of Methodists calling themselves members of the Methodist Episcopal Church in Canada. A

dispute has recently arisen respecting the occupation of this property, in consequence of a change brought about in the government and discipline of the Methodist Society in this Province, in which change all its members it appears do not concur. The defendant was some time ago placed in charge of the meeting-house by certain other individuals who claim to be the Trustees invested with the legal estate in this property, and who deny that the persons suing in the corporate name used in this action have any legal interest in the premises. *He* holds under the last mentioned Trustees, and sets up their title as his defence.

The question arises upon the following facts :—

In 1828 a statute was passed in this Province (8 Geo. IV, chap. 2), in which it is recited that religious societies of various denominations of Christians had found difficulty in securing the title of land requisite for the site of a church, meeting-house, or chapel, or burying-ground, for want of a corporate capacity to take and hold the same in perpetual succession ; and for remedy it is enacted "that whenever any religious congregation or Society of Methodists, &c. (enumerating also in the statute many other denominations of Christians), shall have occasion to take a conveyance of land for any of the uses aforesaid, it shall be lawful for them to appoint Trustees, to whom and their successors, to be appointed in such manner as shall be specified in the deed, the land requisite for all or any of the purposes aforesaid may be conveyed ; and such Trustees, and their successors in perpetual succession, by the name expressed in such deed, shall be capable of taking, holding, and possessing such land, and of maintaining any action for the protection thereof and of their right thereto."

The statute provides that more than five acres of land shall not be so held in trust for any one congregation, and

that the Trustees shall, within twelve months after the execution of the deed, cause it to be enregistered in the County Register.

Upon these two latter provisions, however, no question arises in this case.

On the 9th of August, 1832, a deed of bargain and sale was executed, which was registered on the 6th of July following, and in which, after setting forth particularly the provisions of this statute, it is recited that a religious Congregation or Society of Methodists had occasion to take a deed of a tract of land in the township of Kingston, for the site of a church and burying-ground, and had appointed nine persons to be Trustees for holding the same, according to the Act ; and by this deed one Daniel Ferris, the grantor, for a consideration of three pounds acknowledged to be paid, grants, bargains, and sells to the nine persons named as Trustees—viz , John Grass, James Powley, Barnabas Wartman, Gilbert Purdy, Lambert Vanalstine, Joseph Orser, Micajah Purdy, Francis Lattimore, and Robert Abernethy—and to their successors *to be appointed in the manner specified in the deed*, all that parcel of land, &c., &c., being one acre of ground in the township of Kingston, on which a stone church is standing, with all the estate, &c., &c.

“To have and to hold the said tract, &c., to them the said Trustees, and their successors in the said trust forever, for the site of a church and burying-ground *for the use of the members of the Methodist Episcopal Church in Canada, according to the Rules and Discipline which now are, or hereafter may be, adopted by the General or Annual Conference of the said Church in Canada* ; in trust and confidence that the said Trustees for the time being shall at all times hereafter permit any Methodist Episcopal Minister or Preacher, or Minister or Preachers (he or they being a member or members of the

Methodist Episcopal Church in Canada, and duly authorised as such by the said General or Annual Conference), to preach and perform religious service in the said house and burying-ground, according to the Rules and Discipline of the said Church:—And in further trust and confidence that they, the said Trustees for the time being, may at their discretion, by and with the consent and advice of the Preacher in charge, permit the regular Minister and Preacher of any other Protestant denomination of Christians to preach and perform public religious service in the said house, when it shall not be required for the use of the Ministers or Preachers of the said Methodist Episcopal Church in Canada.”

The deed then proceeds thus:—“ And it is hereby declared to be the true intent of this deed that the full number of the Trustees of the said trust shall continue to be *nine* ; and that whenever any one or more of the said above-named Trustees, or of their successors in the said trust, shall die, *or cease to be a member or members of the said Methodist Church in Canada, according to the Rules and Discipline of the said Church*, the vacant place or places of the Trustee or Trustees so dying, *or ceasing to be a member or members of the said Church* shall be filled with a successor or successors, being a member or members of the said Church, of the age of twenty-one years, to be nominated and appointed as follows—to wit: by the *stationed Minister or Preacher* in the charge of the said Church for the time being, within whose station or circuit the said parcel or tract of land shall be, and thereupon appointed by the surviving Trustee or Trustees of the said trust, if they think proper to appoint the person or persons so nominated (in case the votes of Trustees shall be equal, the stationed minister to have a casting vote); and if it shall happen at any time that there shall be

no surviving Trustee of the said trust, then it shall be lawful for the stationed Minister or Preacher who shall have the charge of that station or circuit for the time being to nominate, and the Quarterly Conference of that circuit or station, if they approve the person or persons so nominated, to appoint the requisite number of Trustees of the said trust by a major vote of the members of the said Conference then present. And in case of an equal division of their votes, the Chairman of the Conference shall have a casting vote in such appointment ; and the person or persons so nominated and appointed Trustee or Trustees in either of the said modes of nomination and appointment shall be the legal successor or successors of the said above-named Trustees, and shall have in perpetual succession the same capacities, powers, rights and duties as are given to the said above-named Trustees, in and by this deed and the statute aforesaid."

Much of what I have extracted from the deed does not bear directly upon this question ; but in tracing the legal estate the terms of the trust declared in the deed are so material, as they affect the succession to the trust, or in other words, to the estate, that it is best to give them at length, in order that everything may come under view that can properly influence the decision.

It appears that the Methodists in this Province being at first almost exclusively emigrants from the revolted colonies, or from the United States after their independence, or the descendants from such emigrants, did not for many years attempt to set up a Church of their own, and had no connection with any Methodist Society in Europe ; but they enjoyed the ministrations of their religion under ministers who received their ordination in the United States, and who accounted themselves and were accounted members of the

Methodist Episcopal Church in America, or, in other words, of the Methodist Episcopal Church in the United States.

They regarded themselves at that time as belonging to that body, being amenable to no other, and having no other means but through them of regulating their Church, enforcing discipline, and obtaining preachers.

There being some jealousy probably of a connection, though purely ecclesiastical, with a foreign body, it was proposed in 1328 that they should separate themselves; and the Methodist Society in Canada petitioned *to be allowed* to separate, which was an acknowledgment of their actual relation or connection. The General Conference in the United States *allowed* it; and they simply separated in that year without any condition or qualification, and erected themselves into an independent Church, contemplating, it would seem, at that time no change in regard to Episcopacy, but being under no stipulation in that respect with the Church from which they had separated.

In the following year (1829) the General Conference in this Province published what they called "*The Doctrines and Discipline of the Methodist Episcopal Church in Canada*," addressed to the members of that Church, and authenticated by the signatures of the President and Secretary. This appears to be a solemn and formal declaration by the governing power in the Society—

1st. Of the origin of the Methodist Episcopal Church.

2nd. Of their Articles of Faith.

3rd. Of the government and discipline of the Church, including an exposition of the constitution and powers of the General and Annual Conferences—of the election and consecration of Bishops—of the election of Presiding Elders—the election, ordination, and duties of travelling Elders and of Deacons—the receiving of travelling Preachers, and their

duty, and the duties of those who have charge of circuits—a code of practical instructions and rules for the government and assistance of their preachers—provision for the trial and expulsion of immoral ministers—and directions concerning their local preachers.

4th. Directions concerning baptism ; the administering the Lord's Supper, and the performance of public worship.

5th. The nature, design, and rules of the united societies, their class-meetings, and band societies.

6th. Rules and advice for the government of their members, and provisions for excluding from their societies immoral and disorderly persons (these extend to the lay members).

7th. The forms or services of the Church to be used in administering the sacrament, in baptism, in solemnizing matrimony, in the burial of the dead, and in ordaining bishops, elders, and deacons.

8th. The temporal economy of the Society, including under this head directions for fixing the boundaries of the Annual Conference ; *the building of churches*, and the order to be observed therein ; directions respecting the eligibility of persons to be Trustees for their churches, houses, or schools, and respecting the *security of their preaching houses and the premises belonging thereto* (by which is meant securing the tenure of them in an effectual and convenient manner). For this latter purpose the plan or form of a deed of settlement for vesting their several meeting-houses and burying-grounds in trustees, and providing for a succession of trustees, is set down at full length in this Book of Discipline, with a direction that such form shall be adhered to in all possible cases. This form agrees, verbatim, with the deed given in evidence in this action, which shows that this deed taken in 1832 was taken in exact conformity to a draft of a deed that had been presented by the Conference.

9. The management of the pecuniary affairs of the Society, viz., the raising and appropriating funds for the support of their ministers and preachers, and for other objects.

I have been thus particular in enumerating the contents of this "*Book of Doctrine and Discipline*," though many parts of it may not serve to throw light on this question, in order to show, in the first place, that from its nature and objects it is evidently of the highest authority among the members of this religious community, and that no opinion can safely be formed on any question affecting their doctrine, government, discipline, or temporal economy, without minutely examining it throughout. At present I will only notice the few passages in this Manual of the Methodist Episcopal Church which bear prominently upon the question before us, and which were cited and relied upon by both parties in the argument, though the inferences they would deduce from them are exactly opposite.

In the first section, the origin of the Methodist Episcopal Church is thus set forth:—"The preachers and members of our society in general, being convinced that there was a great deficiency of vital religion in the Church of England in America, and being in many places destitute of the Christian sacraments, as several of the clergy had forsaken their churches, requested the late Rev. John Wesley to take such measures, in his wisdom and prudence, as would afford them suitable relief in their distress.

"In consequence of this, our venerable friend, who, under God, had been the father of the great revival of religion now extending over the earth, by the means of the Methodists, determined to ordain ministers for America, and for this purpose, in the year 1784, sent over three regularly ordained clergy; *but preferring the Episcopal mode of Church government to any other*, he solemnly set apart, by the imposition

of his hands, and prayer, one of them—viz., Thomas Coke, Doctor of Civil Law, late of Jesus' College, in the University of Oxford, and a Presbyterian of the Church of England—for the Episcopal office, and having delivered to him letters of Episcopal orders, commissioned and directed him to set apart Francis Asbury, then general assistant of the Methodist Society in America, for the same Episcopal office; he the said Francis Asbury being first ordained deacon and elder. In consequence of which the said Francis Asbury was solemnly set apart for the said Episcopal office by prayer and the imposition of the hands of the said Thomas Coke, other regularly ordained ministers assisting in the sacred ceremony. At which time the *General Conference held at Baltimore* did unanimously receive the said Thomas Coke and Francis Asbury as their Bishops, being fully satisfied of the validity of their Episcopal ordination."

This is the account given by the Methodist Church in Canada of the introduction of Episcopacy into the Methodist Connexion in America.

Then next we learn, from this Book of Discipline, that in the Methodist Episcopal Church in Canada there was a General Conference composed of all the travelling elders who had travelled four years last past, and had been received into full Connexion. The elders were elected by a majority of the Annual Conference, and were ordained by the bishop with the assistance of some elders—they were in full orders of the Methodist Episcopal Church, and could administer baptism and the Lord's Supper, perform the office of Matrimony, and all parts of divine worship.

Whenever the General Conference met (composed, as before stated, of such elders as had travelled four years, and had been received into full Connexion), two-thirds of its members were necessary to form a quorum for transacting business.

One of the General Superintendents was to preside ; or if none were present, then a president for the time being was to be chosen by the Conference.

The first General Conference of the Methodist Episcopal Church in Canada was appointed by this Book of Discipline to be held on the last Wednesday in August, 1830, and thenceforward it was to meet once in four years, at such times and in such places as should be fixed on by the General Conference from time to time. But the General Superintendent, with the advice of the Annual Conference or Conferences, or, if there be no General Superintendent, the Annual Conference or Conferences respectively had power to call a General Conference, if they should judge it necessary, *at any time*.

The General Conference had so far an overruling power in the Church that they could elect the bishop, and could reprove, suspend, or expel him if they found cause for it ; and to the Conference he was expressly made amenable for his conduct.

Of this Conference it is further to be observed, that it was in no part composed of lay members ; and that no power over it, or appeal from it, is given by this constitution to any authority in the Society, or to the whole Society collectively—I mean there is none expressly given.

The only control provided is by setting down in this Book of Discipline certain restrictions upon their power. From whence the authority of the Conference arose, indeed, was not shown at the trial ; there was no evidence of a compact among the members of the Society.

For all that appears in evidence, they assumed, as the supreme governing power of the Church, to proclaim by this publication of their "Discipline," to all who chose to unite with them, that these were the terms on which they

could partake of the ministrations of religion under their dispensation; and the restrictions, so far as I see, were limitations voluntarily set by themselves to their own power, and by which (having thus formally declared them) they would afterwards be bound. This assumption of power by the Conference, without affecting to derive it from any general compact with the body, including the lay members, but rather leaving the latter to adhere or to renounce the Society as they might determine, does, as I understand it, comport with the principles of the Wesleyan Methodist system from its foundation.

We are next to consider what are the powers of this General Conference, as we find them declared in the Book of Discipline. They are thus set forth:—

“The General Conference shall have full power to make rules and regulations for our Church *under the following limitations* and restrictions:—

“1st. They shall not revoke, alter, or change our Articles of Religion, nor establish any new standards, or rules of doctrine, contrary to our present existing and established standards of doctrine.

“2nd. They shall *not change or alter* any part or rule of our *Government*, so as to do away with *Episcopacy*, or destroy the plan of our *Itinerant General Superintendency*.”

Then follow restrictions 3, 4, 5, 6, and 7, which relate to matters not affecting the question before us, and chiefly temporal concerns; and the 7th or last restriction concludes thus:—“Provided, nevertheless, that upon the joint recommendation of three-fourths of the Annual Conference or Conferences, then the majority of three-fourths of the General Conference shall suffice to alter any of the above restrictions except the *sixth* and *seventh*, which shall not be done away or altered without the recommendation or con-

sent of two-thirds of the Quarterly Conferences throughout the Connexion." The sixth restriction above referred to relates to matters of temporal economy only, such as building of meeting-houses, the allowance to ministers, &c., &c.

The seventh restriction relates (among other things) to the *doctrines* of the Church, and it provides "that no *new rule, regulation, or alteration* respecting the *doctrines* of the Church shall have any force or authority until laid before Quarterly Conferences throughout the Connexion, and approved of by a majority of the members of two-thirds of the said Conferences."

Thus it will be seen that, in 1828, the Methodist Society in this Province, separated from the Episcopal Methodists in the United States, and formed an independent Church of their own ;—that in 1829 their Conference published a book of their Doctrines and Discipline, the only account of their constitution which we have heard of ; and that in August 1830, when their first General Conference met, it assembled and acted under this constitution ; and the Society appears to have rested on this footing till August, 1832, there being no bishop of the Church during that time, although there was a provision in the Constitution for electing and ordaining one. A Superintendent, who had not been ordained Bishop, performed such functions as the Constitution provided for during the absence of the bishop, but there was actually no bishop of the Church, and the bishop of the Methodist Episcopal Church had no authority or control over the Society in Canada.

In 1832 the idea of uniting themselves to the Wesleyan Methodist Society in England seems first to have been entertained in this religious community ; at least the first manifestation of that intention spoken of at the trial of the cause was in that year. At the Annual Conference in

August, 1832, a union with the British Wesleyan Methodists was openly proposed and discussed. Whether the first suggestion of such a union originated in the Society here, or whether they were invited to it by the Society in England, we are not aware; but it seems that Mr. Alder, a representative from the British Wesleyan Conference, was then in Canada and stated to the Conference, or to the members of it, that such a union could not take place so long as the Society in Canada retained Episcopacy as a part of their Constitution or Church Government, because Wesley, the founder of Methodism, had never sanctioned it in England; it formed no part of the system of the Society there. In consequence of this declaration it was proposed, in the Annual Conference at Hallowell, in August, 1832, that the Church, or Society in this Province should *relinquish Episcopacy*; and upon discussion and deliberation, the Annual Conference at that meeting passed a resolution "recommending the General Conference to pass the third resolution of the report of the committee (of that Conference) on the proposed union, which reads as follows:—'*That Episcopacy be relinquished, (unless it will jeopardize our Church property, or as soon as it can be legally secured,) and superseded by an annual Presidency.*'" And the Annual Conference further recommended their chairman to call a *General Conference*, on the Monday following, which was done. This recommendation to relinquish Episcopacy was voted for by three-fourths of the members of the Annual Conference.

In pursuance of the resolution of the Annual Conference a special meeting of the General Conference was called and assembled at Hallowell, on the 13th August, 1832, (a few days after the deed before us was executed.) An Elder of the Church was elected by the Conference their President for the time; and the General Conference at this meeting came to the following resolution:—

"Resolved, that this Conference, on the recommendation of three-fourths of the Annual Conference, having in prospect a union with our British brethren, agree to sanction the third Resolution of the Report of the Committee of the Annual Conference, which is as follows, to wit:—That Episcopacy be relinquished, (unless it jeopardize our Church property, or as soon as it can be legally secured,) and superseded by an Annual Presidency,—in connection with the tenth Resolution of said Report which says that none of the foregoing resolutions shall be considered as of any force whatever until they shall have been acceded to on the part of the Wesleyan Missionary Committee of the British Conference, and the arrangements referred to in them shall have been completed by the two Connexions."

This resolution was carried by the votes of three-fourths of the members of the General Conference, and by the unanimous vote of the members present. Other resolutions were in like manner passed, providing for the performance of those duties which had before been discharged, or rather appointed to be discharged, by a bishop. Instead of electing a bishop by the General Conference, a President was to be named annually by the Conference in England, or in default of their naming one, the Canadian Conference was to choose one from among its own members. All these arrangements were provisional, and depended on the Wesleyan Conference in England acceding to the Union. They did accede to it, in August, 1833; and the act of concurrence of the British Conference being received in Canada, and the resolutions adopted at Hallowell having been published, in the meantime, in a newspaper in this province printed under the direction of the Methodist body, the whole arrangement received the final confirmation of a General Conference at Toronto, in October 1833.

As respects the regularity of the proceedings in the Conferences at Hallowell : It appears that the Annual Conference met at the *place* appointed by themselves at their previous sitting, as their "Discipline" provides—the *time* of their assembling, according to the "Book of Discipline," was to be appointed by the bishop ; but as there was then no bishop of the Church in Upper Canada, I infer that the time of the meeting was appointed by the General Superintendent. I recollect no objection being urged on this score in the argument last term.

The Annual Conference by the Constitution was to consist of all travelling preachers who were in full Connexion, and those who were to be received into full Connexion. It is proved that upon this occasion it did consist of travelling preachers who had travelled two years and who had been received into full Connexion ; and of these the requisite proportion, or three-fourths, voted for the change.

Then, as to the General Conference. It appears to have been a special session called, by the Superintendent or Chairman of the Annual Conference with the advice of the Annual Conference ; and the "Discipline" declares that a special meeting of the General Conference may be called "*at any time.*" According to the "Discipline" the General Conference should have consisted of all the travelling elders who had travelled four full years last past, and had been received into full Connexion ; and two-thirds of the members of the General Conference were necessary to make a quorum for transacting business. Upon this occasion, there having been no bishop in the province for some time by whom elders could be ordained, the General Conference proceeded, in the first place, to make a rule which they assumed to be within their power, admitting *Preachers* in full Connexion, who had travelled four years, to be members of the Conference although they were not ordained elders.

There were many such preachers who, if they had been ordained, would have been entitled to be admitted members of the Conference ; and as they were prevented, by circumstances, from obtaining ordination, the Conference made this rule in order to admit them.

The change admitted those only who would have been elders if there had been a bishop to ordain them. In fact, according to the "Discipline," preachers who had travelled *two* years were eligible to the order of elders. Notice had been previously given that preachers who had travelled *four* years would be admitted members at the General Conference. At the Conference the elders, who were before members, made a rule accordingly, previous to the discussion of the proposed union ; and upon this rule these additional members were admitted. But the vote for the union was not carried in consequence of this addition—the result without them would have been the same. The only effect was to make the Conference more numerous, and of a more popular character. In all, forty-one members were assembled, of whom *fourteen* were preachers not in elders' orders. Whether these were reckoned, or omitted, the resolution still received the concurrence of *three-fourths* of the Body.

It seems not to have been proved at the trial whether notice was, or was not given to the members of the Annual Conference, before this meeting at Hallowell, (which seems to have been an ordinary meeting,) of an intention to propose the changes which were there resolved upon ; nor does it appear in the notes of the trial what proportion of the members of the General Conference, being elders, did in fact attend the Conference, or of those who could be admitted under the new rule ; nor does it appear whether all were apprised of the meeting, and of changes intended to be pro-

posed there, so that they might have attended if they desired.*

I shall notice, by-and-by, any questions of irregularity that seem to arise upon these proceedings. At present I state merely the facts as I find them in the notes of the evidence.

At the General Conference, held at Toronto, in October, 1833, when the union with the British Wesleyan Conference and the attendant regulations were confirmed, and after the assent of the Society in England had been made known, several members of the British Wesleyan Conference were present; and after the vote of ratification was taken, but not before, they were requested to take seats.

Upon the change being made in 1833, in pursuance of the Resolutions of the Annual and General Conferences, the name assumed by this religious community was "*The Wesleyan Methodist Church in Canada.*"

Afterwards the General Conference, at Toronto, substituted for this the name of "*The Wesleyan Methodist Church in British North America,*" and, in 1834, the name was again changed to "*The Wesleyan Methodist Church in Canada,*" which name the Society now bears.

In 1834 a new Book of Doctrines and Discipline was published by order of the Conference. In this the Articles of Religion are retained, word for word, unchanged; but in the government of the Church or Society there are many

* The notice in the *Guardian* of the extraordinary character of the business of this Conference had brought together a full meeting of all the preachers of the Connexion, both elders and otherwise, and the announcement of the several meetings of both one Conference and the other, were made in the hearing of all concerned, of which I myself was a witness, and could attest it, if it were disputed, by many other living witnesses.—*Editor.*

points of difference which I have thought it necessary to note, as they should all receive consideration in determining upon the extent and consequences of the change that has taken place in the Society.

Under the new "Discipline" there is but one Conference, which is an Annual Conference.

Under the *first* "Discipline" The General Conference was composed of all the travelling elders who had travelled the four last years, and had been received into full Connexion.

According to the second, or new "Discipline," the Conference is to be composed of all preachers who have been received into full Connexion, and have been appointed by the District Meeting to attend; also of all preachers who have been recommended by their District Meetings to be received into full Connexion.*

According to the first: one of the General Superintendents shall preside in the General Conference, or, if none be present the Conference shall choose a President *pro tempore*.

According to the second: the President appointed by the British Conference, or when none is thus appointed, one chosen by ballot shall preside in the Conference.

By the first, the General Conference is restrained from changing, or altering any part or rule of Government so as to do away with Episcopacy, or destroy the plan of the itinerant general superintendency.

By the second, the Conference shall not change or alter,

*But, according to the new "Discipline," no preacher could be taken into, or recommended for reception into full Connexion until he had travelled four years—the same length of time that it took to become eligible to elder's orders and a seat in the General Conference by the old "Discipline."—*Editor*.

or make any regulations that will interfere with or infringe the articles and plan of union between this and the British Conference; proposed in August, 1832, and agreed to by the British Conference in August, 1833.

By the first, the *restriction* as to Episcopacy may be altered by three-fourths of the General Conference; on the recommendation of three-fourths of the Annual Conference.

By the second, the article respecting the *Union*, which stands here in the place of the other, (i. e. the restriction), shall not be *done away or altered* without the recommendation or consent of the British Conference.

By the first, the General Conference was to sit once in four years, at a time and place to be named by themselves; but the Superintendent and Annual Conference might call a meeting of the General Conference at any time.

By the second, the Conference shall appoint the time and place of its own sitting.

By the first, bishops are to be elected and ordained as before-noted.

By the second, the British Conference shall have authority to send each year one of its own body to preside in the Conference—the same person not to be sent oftener than once in four years, unless at the request of the Conference.

When the British Conference sends no President, the Conference here is to choose, by ballot, one of its own members.

By the first, the *bishop* was to make the appointments of preachers to the several stations, circuits, &c., and to do several other acts of this nature, besides ordaining elders and deacons, on the election of the Conference.

By the second, the *President* is to perform these duties, and to ordain the preachers received into full Connexion,

with the assistance of three or four of the senior preachers ; and he is amenable to the Conference for his conduct, as the bishop was ; but whether he can be superseded or removed, as the bishop could be, is not, I believe, expressly declared.*

By the first, presiding elders are to be chosen by the bishops to travel through appointed districts, and exercise a Superintendency therein in matters specified.

By the second, there is to be a Chairman of a District appointed by the President whose duties are very similar ; and there is provision for District Meetings to supply, for the same purposes, the place of Annual Conferences, which are abolished, and to exercise, in several other respects, a vigilant superintendence over their preachers and members, and the general interests of the Society. New regulations also are made as to receiving preachers on trial and into Connexion.

Under the first, presiding elders, travelling elders, deacons, and travelling preachers, were the orders in the Church.

Under the second, there are no elders (so called), nor deacons, but *travelling preachers*, whose duties seem to be the same as under the former "Discipline;" and ministers who have been travelling preachers are to be elected as elders were, by the Conference, and ordained by the laying on of the hands of the President and some of the ministers present ; their functions are such as the elders used to discharge.

Under the first, an elder, deacon, or preacher, who had the special charge of a circuit assigned him, and various duties to discharge.

* Yes ; there was provision for his being brought to trial and displaced.—*Editor*.

Under the second, the *preacher* on each circuit, who is appointed to take charge of the Societies therein, is called a Superintendent, has similar duties to discharge, and additional duties embracing many minor details.

By the first, the Ordination Service for elders was given to be performed by the bishop.

By the second, the same service exactly, only putting minister for elder, is given to be performed by the President.

Under the first, there was a General Conference which met once in four years, and an Annual Conference.

Under the second, there is to be but one Conference in Upper Canada, which shall meet once in each year.*

By the first, it is directed, as to their *Churches*, that there shall be a condition in all their Deeds that the Trustees shall, at all times, permit such ministers and preachers belonging to the *Methodist Episcopal Church*, as shall be duly authorised by the General Conference, or by the Annual Conference to preach, &c., according to the true meaning and purport of the Deed of Settlement.

By the second, the same condition is prescribed in respect to such ministers and preachers belonging to the *Wesleyan Methodist Church*, as shall be duly authorised by the Conference of the ministers of "our Church."

The *form* of deeds to be taken in future closely corresponds, having merely the above difference.

I have thus traced the course taken in bringing about the change, upon the consequences of which we are to decide, and have stated its nature and extent, as I understand it; and I have done this, I believe, with no unnecessary minuteness, considering that the question is one of a delicate

* But that one Conference had as great powers as both the others; namely, *legislative* and *executive* powers.— EDITOR.

nature, and unusual in Courts of Justice, and, considering also, that the consequences of the decision may be extensive and important to a great number of persons. The most of what I have mentioned rests on documentary evidence, but some of the facts stated depend on the *viva-voce* testimony of witnesses examined at the trial.

On the one side, two ministers of the Wesleyan Methodist Church in Canada, as it is now styled, were examined. These had been elders or ordained ministers of the Church before the change, and were members of the General Conference when the change was made, and took part, it appears, in the proceedings.

Beside relating the facts in the order in which they occurred, they gave it as their opinion that the change was such as the General Conference, on the recommendation of the Annual Conference, had a right, by the Constitution of the Society, to make, and that the proceedings adopted by them were in exact accordance with the Constitution. They declared that the relinquishing of Episcopacy, and uniting themselves to the British Wesleyan Society were measures unconnected with doctrine, and affected only the Government of the Church; that the doctrines were the same now as before; that the same Society continued with the same Conference and the same members; and that the same churches that were used by the Methodist Society before continue still to be used, the same doctrines being preached in them, and the same persons in Connexion with the Society; that in short, the original Methodist Society remains, though under another name, and changed in the particular of Episcopacy; that the lay members of the Church never had a voice with regard to matters of Doctrine, Government, or Discipline, and that they are not affected by the change which has been made.

On the other side, a member of the former Methodist Episcopal Church in Canada was examined as a witness. At the time of the change he was merely a local preacher and was never ordained as an elder. By the Constitution of the Church he was a layman, having no voice in the General or Annual Conference. He declared that he did not assent to the Union in 1833; that in his opinion the Methodist Episcopal Church was not merged in consequence of the change, but existed, and had a right to exist as before, retaining as members those who adhered to her, and who were dissenting from the change; that after the change a General Conference of the Methodist Episcopal Church was held in the Home District in 1833, conforming as nearly to the "Discipline" of 1829 as they could, concerning the state in which they were left; that they have a bishop whom they elected in General Conference in 1834, but who is not ordained or consecrated, being only appointed as General Superintendents were formerly. They have held, he says, General and Annual Conferences since, and Quarterly Conferences, going as near what the "Discipline" requires as they could; that two of the General Conference elders remained with them after the change, and two travelling preachers, and in the exigency they acted as if by some unforeseen casualty all the elders and preachers who had joined the British Society had died or left the country, and they admitted to the Conference the preachers that remained.

On the other side, however, it was denied that the two persons spoken of as elders were actually elders, or that, conformably to Methodist "Discipline" any such Conferences could exist and be holden as this witness spoke of.

Whatever may be the merits of the change then, it is clear that it has given rise to a schism in the Methodist Society. It has split into two parties, each maintaining that

the other has seceded from the religious community which existed under the Methodist "Discipline" of 1829 ; and acting under these conflicting pretensions they have become involved in litigation concerning the possession of the church and burying-ground in the Township of Kingston. The disunion extended to the nine trustees who took the legal estate under the deed from Ferris ; and the conduct of some among them seems to have been rather equivocal, and undecided, so that it is difficult to say what is conclusively established respecting them upon the evidence.

Micajah Purdy, Vanalstine, Abernethy, and Orser continued members of the Society after it had relinquished Episcopacy and united itself to the British Wesleyans ; or rather they went with the Conference and with that portion of the Society which approved of the change ; Lattimore, I believe, did the same, though this is doubtfully stated ; Gilbert Purdy, and Wartman also assented to the change, and continued to act with those members of the Society who adopted it ; but in order to avoid a disagreeable contest about the Trust, they withdrew formally from the Society that they might be, thereby, discharged from the Trust, and they immediately afterwards rejoined the Society, that is, the Church as now governed under the new "Discipline."

Powley, it seems, continued with the Church under the new "Discipline" for some months, and then requested permission to withdraw from the Connexion, which was granted to him ; Grass was in communion with the Church as governed after the Union for some time ; but afterwards, in 1834, omitting to conform to its regulations was admonished, upon which he renounced the Church, said he was no longer a member, and his name was taken off the list. Indeed Powley and Grass, it seems probable, never approved of the change though they seem to have conformed outwardly for a time.

On the 10th of January, 1835, Grass and Powley, calling themselves "Surviving Trustees," executed a writing stating that "Wartman, Gilbert Purdy, Vanalstine, Orser, Micajah Purdy, Lattimore, and Abernethy, *had ceased to be members of the Methodist Episcopal Church in Canada*, by uniting with and becoming members of the Wesleyan Methodist Church in British North America, and had, thereby, forfeited all their capacities, powers, &c., as trustees (for the premises now in question,) and that according to the 'Discipline' of the Methodist Episcopal Church, and the deed for the church and ground, &c., they appointed seven other persons, named in the writing, to be Trustees of the Methodist Episcopal Church in the Township of Kingston, instead of the above-named persons." This appointment is stated to be on the nomination of Thaddeus Lewis, "*preacher in charge of the Circuit*," the same person who was examined as a witness, and who stated that he dissented from the change, and that, in his opinion, the Methodist Episcopal Church still existed as a separate body in Upper Canada.

On the 14th March, 1835, four new Trustees were nominated by the stationed preacher, under the new "Discipline," and appointed to fill up the vacancies made by "Powley, Wartman, Gilbert Purdy, and Grass *ceasing to be members of the Church*."

The first appointment (of the seven Trustees) was made it will be perceived, on the part of the members of the Methodist Society who refused to accede to the Union, and who profess to be still governed under the new "Discipline" of 1829; the latter appointment was made by the Wesleyan Methodist Church in Canada as governed under the new "Discipline" of 1834.

Bell, the defendant in this action, was put into possession of the church some time in the autumn of 1835, to take care,

of it and keep the keys ; possession was given to him by five of the original trustees, granted in the deed, viz : Vanalstine, Micajah Purdy, Orser, Lattimore, and Abernethy ; and the attempt to eject him by this action is made by, or at least under the sanction of Grass and Powley, two of the original Trustees, grantees of the Deed, and the seven new Trustees appointed in January 1835, on behalf of those calling themselves the Methodist Episcopal Church in Canada.

Upon this case being proved at the trial in Kingston, and the Defendant's counsel declining to assent to a special case, the learned Judge, before whom the case was tried, gave no opinion upon the legal effect of the evidence, but directed the Jury to find for the plaintiffs, leaving the defendant to move against the verdict, in term, upon the law and evidence. A rule was granted last term upon motion of the defendant, to show cause why the verdict should not be set aside, as being contrary to law and evidence ; and the case having been fully argued on the return of the rule, it remains for us to determine whether the verdict which has been rendered for the plaintiffs can be sustained.

The deed, under which the plaintiffs make title, conveys the land to nine persons *by name*, to hold to them and their successors by the corporate name of "*the Trustees of the Methodist Episcopal Church in the Township of Kingston.*"

This ejectment is brought upon a demise made by "*the Trustees of the Methodist Episcopal Church in the Township of Kingston.*" It is apparently the Trustees using the corporate name in a suit to gain possession of the Trust property, and this the Provincial Statute clearly allows.

In an ejectment we are to enquire where the legal title resides ; and from the deed shown it must reside in this corporation unless they have conveyed away the estate,

which is not pretended ; so that in the plaintiffs' case no opening seems left for a question, since the right of Ferris to make the deed is admitted on all hands.

If, indeed, it were shown that at the time of the demise laid, there were, in fact, no trustees to represent the Trust, and to compose the corporation, that would be fatal to the plaintiff's recovery, on the same principle as proof of the death of the lessor of the plaintiff at the time of the demise laid in an ordinary action ; because it would show the title to have been residing somewhere else. Whether it would revert to the doner, in this case, it is not necessary to enquire.

It is not denied that there are still Trustees entitled to use this corporate name ; and whoever they may be, they must be entitled to the possession of this property.

We see two sets of persons coming forward, each saying, " We are the Trustees holding the legal title to this estate : the others who pretend to be Trustees have nothing to do with it."

The one party affirm that they are the body of "*Trustees for the Episcopal Church in the Township of Kingston,*" including in their number some of the original Trustees who were grantees in the deed of trust, and others who have been legally appointed to succeed certain of the original Trustees who had *ceased to be* members of the Methodist Episcopal Church in Canada, and appointed as the deed directs, (being members of the Church) upon the nomination of the stationed minister, or preacher in charge of the Church for the time being, *within whose station or circuit this land is*, and approved of by the remaining Trustees

The other party affirm that *they* are the body of Trustees who are legally seized of the estate, including in their number some of the original Trustees in the deed of

trust, and others nominated by the stationed minister or preacher in charge of the said church for the time being, within whose station or circuit this land is, and appointed by the remaining Trustees to fill up vacancies, which arose, they say, in this way :—The grantees in the deed, under the corporate name of the Episcopal Church in the Township of Kingston, were to hold this land, in trust for the site and burying-ground “ *for the use of the members of the Methodist Episcopal Church in Canada, according to the rules and Discipline which at that time were, or which might thereafter be adopted by the General or Annual Conference of the said Church in Canada.*” When this deed was given the Methodist Church in Canada existed (they allege) as an independent religious community, amenable to none other, and governed according to a written Constitution which they show, and which provided for the government and discipline of the Church.

By that Constitution no voice is given to the laity in the matters of government and discipline ; but the supreme control and the whole legislative power rested in the General Conference of their clergy, by which Conference, (they say) certain changes were made in the system of their Church Government and Discipline in 1832, a short time after this deed was taken ; and that, after these changes, certain of the Trustees named in the deed refused to adhere to the Church so altered in its Government and discipline, and have not partaken of its ministrations : That, as the changes were within the power of the Conference to make, the whole Society was bound by them ; that the same religious body continued to exist, though altered in its form ; that the Trustees who would not subscribe to the change, but renounced their connection with the Church, (as they had a right to do) ceased to be members of the Church, and that

successors were thereupon appointed in the manner provided by the deed and allowed by the statute.

On the part of those who rejected the change, it is replied that the Conference have pretended to abolish an essential, fundamental principle of their Society ; that this was beyond their power ; that they have erected for themselves a new church, and not merely altered the one which before existed ; that *they* are the seceders, while the others remain as they were, members of the Methodist Episcopal Church in Canada, and have supplied the vacancies occasioned by their secession, as the trust deed points out, or as near as the state of things permitted.

Thus each lays claim to represent that legal title which would warrant the demise in this ejectment.

The court has not been moved at any stage of the cause before the trial, to stay the proceedings on the ground that the persons suing in the corporate name have no right to use it, nor any interest in the estate, and that the right to use it resides in others who are not assenting to the action ; but the question, who are seized of the legal estate ? comes directly before us in this way.

This action is brought at the instance of those who rejected the change made in 1832 ; the defendant is in possession under those of the original grantees who acquiesce in the change, and adhere to the Church, as they say, under its new form of government, and he defends by setting up their title.

If *they* or any of them had the legal estate in July, 1835, (the time of the demise laid) then the defendant was not a trespasser, and was entitled to a verdict.

We are called upon, therefore, to decide whether the seven original grantees, whose places in the trust the plaintiffs have assumed to be vacant, did really *cease to be*

members of the Episcopal Methodist Church in Canada, according to the proper construction of the trust deed, when they joined themselves to, or continued members of a body of Methodists who relinquished Episcopacy as a quality of their Church, and united themselves to the British Wesleyan Society?

And this brings up three questions :

1st. *Could* this be done by those who attempted to do it?

2nd. *Did* they do it effectually, that is regularly?

3rd. After it was done, did there exist a Methodist Episcopal Church in Canada, capable of being governed under the "Discipline" of 1829? or was that body of Methodists transformed into the Wesleyan Methodist Church of Canada, and so transformed that it carried with it its original rights, being sufficiently identical in substance with the former Methodist Episcopal Church?

It is to be regretted that such a contest has arisen; the question it involves affect numerous bodies of Christians, and its agitation must be unfavourable to their tranquility, and while it lasts must, in some degree, impair the usefulness of their exertions in the cause of religion. Similar difficulties have sprung up occasionally in the Province and disturbed the harmony of other religious communities. As we have unfortunately nothing but this Court of Common Law Jurisdiction, and are without the aid of a Court of Equity, which can control trusts, direct their proper execution, and restrain actions when they are brought for purposes contrary to the intentions of the trust; such cases as the present are in this Province pecuniary embarrassing. I doubt whether the question before us can receive its solution quite satisfactorily by the judgment of a Common Law Court; and it would, therefore, have been well, perhaps, if the parties concerned had sought relief from their difficulties in some equitable legislative measure.

And yet I do not know that a conclusive and convenient remedy could be obtained in that manner. That the Legislature should apply themselves to investigate the merits of particular cases, with a view to provide for each by a separate act, could hardly be expected ; and the attempt to prevent such contests by any general measure I apprehend would be difficult. If it should be the effect of any such general measure to uphold a minority, and especially an inconsiderable minority, against the prevailing opinions and wishes of the greater number, the very desirable object of securing peace and harmony might fail to be attained ; and to establish it on the other hand, as a general principle, that the will of the majority of a congregation or Church should in all such cases govern, might tend to the sanctioning, in some instances, of manifest injustice and oppression, and would besides lead to great evils of another kind. The best remedy, perhaps, in such cases is to resort to the jurisdiction of a Chancellor, who can direct enquiries, make decrees according to the equity of the case, and restrain the Trustees from employing legal remedies to the perversion of the trust ; and who has besides, the power, when it is necessary, of referring to the judgment of a Court of Law any strictly legal question which it may be necessary for him to decide.

The late case of the Attorney General *vs.* Pearson, 3 Merrivale, 409-418, shows how a Court of Equity interposes its jurisdiction in such contests. Fortunately they have not been very numerous in England, either in Law or Equity ; and in most of the cases which have come before a Court of Equity, it will be found that they are treated as subjects of litigation, embarrassing in their nature, and very difficult to be dealt with in a satisfactory manner. Generally, as in this case, the question borders upon a religious controversy, in which the judgment of a Court will hardly be re-

garded as conclusive authority ; and it arises in consequence of voluntary associations of persons formed upon principles and for purposes of which the law has not taken cognizance, and has therefore made no provision for their regulation.

In *Foley vs. Wontner*, (2 Jac. & Walker 247,) a case of this description, the Lord Chancellor expressed his sense of difficulty in striking language : " I am almost afraid," he said, " that I am doing what may subvert the peace of many religious societies in showing the infirmities of the law on this subject."

But although we are compelled in this case to entertain consideration of matters rather foreign to the usual subjects of judicial decision, the question itself, in whom is the estate vested ? is strictly a legal question, and it is raised for a purpose strictly legal.

We are not here enquiring who are the *cestuis que*, but who are the *Trustees* according to the legal construction and effects of the provisions in a deed, supported by a public statute ?

The opinion I have formed is in favor of the Defendant. I should not have been quite free from doubt in coming to that conclusion if my brothers had agreed with me ; but as I believe they both differ from me, though on different grounds,* I can by no means have that confidence in my judgment which I should desire to feel in a case of such a nature, and where the decision may apply so extensively. If I am wrong it is fortunate that the opposite opinions of my brothers will prevail. They have been formed, I know, after laborious investigation.

* On the second hearing of the case in Term there were *five* Judges, instead of *three*, and three out of the five gave a decision in favor of the Defendant ; that is, sided with the Conference, or the *Wesleyan Methodist Church*.—*Editor*.

We must consider this question in two aspects :

1st. We must look at the authority which the Conference had to make so essential a change as was made in 1832, and the effects of that change upon the previous existing society.

2nd. We must consider how this change and its consequences have operated upon the legal estate assured by the deed before us, allowing to the provisions of the deed their proper effect.

To enable ourselves to form an opinion upon certain points of the case, it has been necessary to look minutely into some matters which had before, in my own instance at least, not attracted more than a passing interest ; but independently of the necessity for this research, the trouble has been in several respects, well repaid.

The rise and expansion of Methodist Societies ; the astonishing zeal, perseverance, and single-minded devotion to the cause which actuated their remarkable Founder ; the absolute control which Mr. Wesley required, and exercised in the minutest particulars throughout the whole Connexion, widely dispersed as its members were, and with control he retained to the end of an unusually long life ; the exclusiveness with which that influence was confined to spiritual objects ; the fidelity with which the Methodist Connexion in general still conforms to the course he marked out for them ; the provision made by the Methodist " Discipline " for maintaining a constant and active control over all their members, cannot pass in review before the mind without exciting a deep interest.

It has been necessary to trace the history and proceedings of Methodist Societies, in order to be able to appreciate the relation between the governing body, and the people. A Methodist Society is a purely voluntary association. It is

not, like a civil corporation, a creature of the Law, and we cannot, therefore, expect to be able to apply precise principles, and authorities of law, in settling the dissensions that may spring up among them ; neither can we say here, as in the case of religious establishments connected with the State, that the relations between the different orders in the Church, or between the clergy and their flocks, and the consequent rights, and powers, and duties of each have their origin in legal sanctions, or have been regulated by positive laws, and are, therefore, capable of being brought satisfactorily to the test of legal authority and precedent. When the conduct or acts of these voluntary associations, or of the members composing them, bring them within the operation of those general rules, which regulate matters between man and man, the law makes no difference against them, or in their favor, and a decision may in general be rested on some definite and ascertained principles, but when a contest has sprung up among them, in consequence of arrangements among themselves, purely internal, and relating to their peculiar government, as a religious community, we must look into their past history and present state, in order that we may be able to place a just construction upon their intentions, and to estimate the effect of their arrangements. We must know the origin and history of their Conference, for instance, and the deference which in practice has been paid to their rules, and decisions, before we can judge whether the definitions given of their powers in the printed " Discipline " may safely receive a construction according to the strict letter, or whether it must not be taken with some qualification which is not expressly stated.

And so, also, before we can form an opinion as to the consequences of a Methodist Episcopal Church relinquishing Episcopacy, we must consider how Episcopacy came to be

introduced, on what footing it was received, and whether it is right to regard it as so bound up with faith and conscience among that portion of the Methodist Connexion which received it, that the relinquishing it is like taking away a vital part, and must necessarily leave the body no longer existing.

From the information which I have been able to acquire, respecting Methodism, I am under the following impressions: Mr. Wesley, its founder, was never otherwise than a member of the Church of England, of which he was an ordained Clergyman in Priest's orders. He never accounted himself the founder of a new sect, nor would admit that he was a dissenter. He conformed to the ordinances of the Church, and assented to all her doctrines, differing only in this respect that he insisted more earnestly upon the necessity of inculcating some particular articles of her faith, and labored more strenuously to give them a practical application. As his great object was to produce a greater fervor of devotion, and a more perfect spiritual-mindedness, he addressed himself unreservedly and without exception to all who would give him their attention. He did not make conformity to the doctrines of the Church of England a condition upon which his services were to be imparted; and he annexed no new doctrines of his own. His followers included Church of England men, Presbyterians, and dissenters of various denominations, and it seemed to be in no degree his object, or desire, that they should look upon themselves as a distinct sect; on the contrary, he discouraged to the utmost, during an active ministry of half a century, everything that manifested such a tendency.

At first he availed himself only of the services of such clergymen of the Church of England as would unite with him in the duties to which he devoted himself. Among

these his brother was most distinguished. For a time no irregularity marked his course, he always expressed an anxiety to avoid even the appearance of it. He preached only in parish churches, so long as no obstacle was presented to his admission there; and when he preached at first in other places, and even in the fields, he justified it on the ground of necessity. It was not without much reluctance that he first administered the Sacrament in any other place than one of the Established Churches; he continually urged his followers to attend divine service, and receive the Sacrament in their proper churches whenever it was possible, and he forebore himself to preach on the Sabbath during the hours of divine service when the churches were open. He evinced a strong repugnance on the first occasion of a layman proposing to preach to the people, and would have put down the attempt at the time if he could. To what is called lay-administering he constantly and firmly opposed himself, not thinking it right or justifiable, in any point of view, that persons not in holy orders should dispense the Sacraments, or perform any of the offices of the Church, such as Baptism, and the solemnization of Matrimony; and consequently until a very short time before his death, although the lay preachers were numerous, and became most efficient assistants in the work which he was engaged in, their duties were confined to preaching, and to their bearing their part in enforcing that internal discipline and economy which he established as a bond of union among the members of his Society. His followers received the Sacraments of the Church at the hands of the regular clergy. Whatever might be the inevitable tendency of some of his measures, his avowed desire was not to separate them from that Church, but to make them more pious members of it.

The relation between him and his people was, from these circumstances, simple and intelligible ; and the energy of his character occasioned it to be felt, and submitted to, so long as he remained among them. He managed the concerns of his Societies as he pleased, and exacted implicit conformity. He was not inviting proselytes to peculiar doctrines, and held out, therefore, no particular privileges, and suffered no participation in his authority, on the part of the people whom he was serving, nor, in truth, by any one, except as he might choose to invite him to the assistance, when he prescribed him his duty, and his place, and laid down rules for his conduct, in the minutest particulars.

When the *first* Conference assembled, *he* called it together, and convened whom he chose for the purpose of advising with them, and with their aid he laid down rules for the government of the Society. These conferences afterwards, by his arrangement and appointment, met periodically, and became a prominent feature in the system, but they took their rise only in his will ; the laity were to no extent, and for no purpose admitted to them ; they arose from no compact with his followers ; they were not set up as a protection between the laity and the authority ; they were merely called by himself to assist him in laying down rules for the government of the Methodist people, and to these rules they must conform, or be no longer members. A stricter superintendence has, perhaps, never been devised, nor been more directly and absolutely enforced.

The Conference from time to time reviewed the doctrines of the Society, and for all that I can see, in matters of government and discipline, while Mr. Wesley was at its head, it was absolute and supreme.

Lay preachers, when they had proved their qualifications, were received by him, and their stations and duties were

assigned to them. As Methodism extended itself, these commenced their labors (of preaching merely) throughout the kingdom, and afterwards in Ireland, the West Indies, and the American Colonies on the continent. Before the American Revolution several preachers had found their way to the colonies, and congregations were formed there; but there, as in England, they resorted for Baptism, and the Sacrament of the Lord's Supper to the ministers of their respective Churches; that is, to ordained clergymen. In the Southern States particularly, there were many missionaries of the Church of England; and before the war commenced these, and the clergy of other Churches, Presbyterians, Baptists, &c., supplied those offices of religion which could not be obtained from the Methodist lay preachers; for, these last not being in orders of any Church, their flocks formed no distinct religious denomination. They regarded themselves, and were accounted by Wesley, as all members of one Methodist Connexion, of which he was the head, and which throughout his life he declared to be in perfect communion with the Church of England, of which Church he was a presbyter. So far Episcopacy gave rise to no question among the members of this Society, or with its Founder; because, like the other members of the Church of England, they had it as part of their Church Government.

Wesley, indeed, did not seem to be strongly impressed in favor of the sacred origin of Episcopacy; he regarded the "*Preacher*" as importing the same thing with Evangelist; the "*Bishop*," or pastor, he seemed (in the latter part of his life at least) to rank with the "*Presbyter*."

But, as the Episcopal Methodist "Discipline" explains to us, from the war in America, and its consequences, a difficulty arose there on account of the want of ordained clergymen. Those belonging to the Church of England had been

compelled to leave the country ; the Methodist preachers even who had gone from England had returned thither, with only one or two exceptions I believe ; and there was no member of the Society who could dispense the sacraments. Mr. Wesley was applied to in this exigency. He would rather, if he could, have supplied the want, by procuring ordination, from a bishop in England, of persons willing and qualified to engage in the ministry ; but the Methodists had gradually, and principally by the conduct of others which Mr. Wesley lamented, but could not always restrain, separated themselves, in appearance at least, more and more from the Church. There were also political difficulties in the way, and he did not succeed in procuring ordination as he desired. He seemed at last, with reluctance, to have brought himself to the opinion that as a Presbyterian, he could himself give ordination ; that the same reason of respect for, and conformity to the National Church which had prevented his exercising such an authority in England, did not apply as regarded America, now become a foreign country ; and justifying the course partly on the ground of his office as a Presbyterian, and partly on the necessity of the case, he joined with two other ordained Presbyters of the Church of England who were members of his Society, in conferring ordination upon two lay preachers who were to accompany Dr. Coke to America. He then ordained Dr. Coke who, like himself, was a Presbyterian of the Church of England, to be a *Superintendent*.

Dr. Coke, arriving in America, assumed, with the sanction of the Conference at Baltimore, the name and office of Bishop, perhaps with the previous approbation of Mr. Wesley ; and with the assistance of two Presbyters of Mr. Wesley's ordination, he ordained Mr. Asbury to be a bishop, having first conferred upon him the orders of deacon and elder.

Thus the American Methodist Society became a Methodist Episcopal Church. I find it stated that *sixty* preachers out of *eighty-one* attended the General Conference at Baltimore when these arrangements, made and sent out to them by Mr. Wesley for the government of their Church, were proposed to them, or, perhaps, I should rather say, brought before them; and that they accepted and established the form of Church Government for the Methodists in America which Mr. Wesley had recommended. By this form the orders in the ministry were bishops, elders, and deacons.

I believe I am correct in saying that Mr. Wesley, after this arrangement, and to the time of his death, regarded all the Methodist Societies as composing one people, and did not consider that those in America had separated from him when they adopted the form of Government and Discipline which he recommended to them. I believe, I am also correct in saying that the Conference in Baltimore, in receiving it, received it as from an authority entitled to prescribe it, or to which at least they were willing to acknowledge submission, as to the governing power of the Methodist Society. In their printed "Discipline," however, (and this I think is very material to the present question to observe) they seem to have contemplated, as the Methodist Episcopal Church did here, the possible event of the Conference desiring to abolish or relinquish Episcopacy, and they guarded it by a similar provision to that which appears in the Canadian "Discipline" of 1829; that is, that they shall not do so unless by a certain prescribed mode of proceeding by the Conferences.

How Episcopal Methodism came to be introduced into Canada has been already explained; and I will only add to this statement, that I find Mr. Wesley did, in 1787, after he had made this arrangement for meeting the exigency of cir-

cumstances in America, depart from the scruples he had before entertained, and did actually ordain two preachers in England.

Since his death, I conceive that the Conference, with a President or Superintendent at its head, exercises in England the same rule over the Methodist Connexion as Mr. Wesley, with the advice of his Conference, had been accustomed to exercise, and that no change had taken place in the Wesleyan Society which places the Conference on a different footing as regards its relation to the members generally. I infer, also, that in the Society, as it is now governed, that difficulty is not felt to exist which induced Mr. Wesley to resort to the expedient of ordaining a Bishop or Superintendent for America; but that ministers, whose functions correspond to those of elders among the American Methodists, receive ordination now within the pale of their Society; that is, from ministers who have been themselves ordained by Methodist ministers.

In speaking of things with which we are not familiar, we may easily fall into error. I have purposely avoided any attempt to discuss points that may have been the subject of controversy; and have merely endeavored to review in very general terms the proceedings of the Methodist Societies, stating facts which I believe not to have been disputed.

And after considering these facts, and perusing the written Constitution under which the Society existed here in 1829, I am not prepared to say that even if Episcopacy were a question that touched upon doctrines and articles of belief, it was, therefore, clearly beyond the control of the General Conference. I see in the "Discipline," and in the history, and understood nature of Methodist Societies, much reason to think otherwise, and that the members both clerical and lay must go with the Conference, or if they part,

it is they that leave the Society, and not the Conference that leaves it.

Councils and governing bodies in Churches have in all ages laid down standards of doctrine for their people, and have from time time varied, and expounded it, in matters which seemed of doubtful interpretation, or questionable, as to the necessity of believing and conforming to them. I do not say that they are at liberty to depart from what are plainly fundamental articles of faith in their respective Churches. But I cannot pronounce that Episcopacy should be taken to have formed in the Methodist *Episcopal* Church in Canada, (notwithstanding the name) a principle in that Church bound up in faith or conscience.

Their Articles of Religion, (which by the way their Conferences seem to have settled, and handed down to them) make no mention of it. Indeed by comparing (as I have carefully done) the points in which they depart from the articles of the Church of England, we shall find that they seem studiously and designedly to have avoided alluding to Episcopacy, as embraced in their articles of faith. In our 32nd article it is said, "*Bishops, Priests, and Deacons* are not commanded by God's laws, either to vow the estate of single life, or to abstain from marriage," &c. The corresponding article in the "Discipline" of 1829 says, "*The Ministers of Christ* are not commanded by God's law, either to vow the estate of single life, or to abstain from marriage," &c.

There is a designed omission of the word "Bishop" in these articles as published by the Methodist Episcopal Church. The 23rd article of our Church is not adopted in the Methodist "Discipline," probably because they were from the first unwilling to bring themselves within any express restriction as to the authority by which persons should

be called to the office of preaching and administering the Sacrament.

For any thing that I can discover, I believe Episcopacy to have been among the Methodists in the United States, and in Canada, only a feature in their Church Government, and not in any degree connected with faith and doctrine ; and if that point be doubtful, I consider that the General Conference, in whom by constant assent and the practice of these Societies the governing power was vested, are more entitled to solve the doubt than I am. I must see and know that they are indisputably wrong, before I can overrule their judgment on a point of this kind. It is a prominent feature of the Methodist "Discipline," that they seek as much as possible to preserve within their Societies the adjustment of disputes among members, even when these regard their temporal interests and rights, which are the proper subjects for legal decision ; and, unless I can see something plainly set down in the Constitution to which this religious association have bound themselves upon which I can found my opinion, I should hesitate to set my judgment in opposition to that of the Conference upon a question affecting the doctrines of their Church. To prevent schism, or anarchy, it is fit, at least in all doubtful matters, that those subordinate to the Conference should be bound by their decision, and especially, if it be conformed to by the majority of the whole Society.

When Episcopacy was introduced into the United States, it had not been asked for in terms, nor in truth was it recommended in terms, further than that the Society wished that a *Superintendent* should be provided for them, and Mr. Wesley sent them a *Superintendent*. Dr. Coke, when he arrived there, and had seen Mr. Asbury, called himself a Bishop, and the Conference agreed to call him Bishop,

seeming by this to look upon Bishop and Superintendent as pretty much the same thing. All they wanted was a Superintendent who had received and could transmit ordination to others.

I do not believe, nor do I suppose that the Conference (that is, the governing power in the Methodist Society in America) believed that Mr. Wesley had any divine right to engraft Episcopacy upon them, or to make that a matter of faith and conscience which was not a matter of faith and conscience before. Nor do I believe that Mr. Wesley considered it a point of faith or conscience that a Methodist Society anywhere should have within itself a bishop, *en nomine*, ordained by him, and transmitting by devolution the authority of his sacred office from him; because, if these had been his sentiments, he would have called himself a bishop, (as indeed in affect he was to all intents among his people,) or he would have ordained a bishop for the Society in England. If he thought it unnecessary there, because the Methodists had never separated from the Church of England, and, therefore, had their bishops, he must have thought it for any other purpose than ordination equally unnecessary in the United States; for if there were any other duties which conscience, or their articles of faith required should be performed within their Society by a person expressly bearing the name and office of bishop, they must have been without the regular performance of these duties in England, as well as in America, since it is clear that the bishops in England took no part in the government of affairs of Methodist Societies. And as to ordination, I take it that so far as the relation of spiritual pastors is concerned, the Church of England is one throughout the world; and the bishops in England, so far as their sacred office and apostolic character are considered, were as capable of ordain-

ing ministers for the purposes of their members attached to the Methodist Society in America as for the purpose of the Methodists in England. Practically, and from political causes, there were difficulties in the way of Methodist preachers in England obtaining ordination from a bishop, and difficulties which have led at length to a separation from the Church in this respect, and to the renunciation of the necessity of orders direct from a bishop. Distance, and the foreign relation, created increased difficulties in regard to America, but faith and conscience are independent of such considerations.

I consider that Wesley meant, and recommended pretty nearly what Dr. Coke carried into effect; and that when the Conference at Baltimore accepted and allowed of the arrangement, they exercised a power which, for all that appears to us, their followers admitted them to have. And if that Conference had rejected the name of Bishop, and preferred that of Superintendant, or President, and had required the President to be periodically changed, I cannot say that there would ever have been a bishop of that Church in America.

After reading the history of that transaction, my belief is rather that there would not have been, and that Dr. Coke would have conformed to their views.

I do not consider that the American Methodist Connexion looked upon Mr. Wesley as inspired, or as capable of giving a divine sanction to anything; but that they assented to, and accepted what he had recommended, upon their application.

And as respects Wesley himself, he was too sensible and pious a person to set up any such pretension, and was so far from looking upon it as a point of conscience, that Dr. Coke should receive, by the imposition of his hands,

authority as a presbyter, and afterwards as a bishop, that he had, it seems, no small difficulty in reconciling it to his conscience to ordain him at all, and did not in fact bestow on him the name, though he gave him the office of bishop.

It is clear to me, that if the Methodist Society had at that time stood on the same footing as to ordaining their ministers that they now do, there would have been no such ground for imagining, in any quarter, a necessity for creating a bishop in America; and the expedient which was suggested by circumstances only would not have been resorted to. And at last, in effect, the American Society, as to ordination, stands on the same footing as that in England, for their elders or ministers are ordained by persons whose ordination has been derived in succession from Mr. Wesley, a priest in orders of the Church of England.

By admitting Episcopacy in the first instance, I think the American Society made a change of a more questionable character; that is, a greater innovation. They introduced a new element, if any particular importance is to be attached to the name of Bishop, and yet it has been shown that the step was taken to have dissolved the pre-existing Society, or that it affected their property, or threw them into any confusion.

Then, although they agreed to adopt it, I do not know how I can say it was irrevocably fixed upon them. If Wesley, while he lived, had repented, (as there is some reason to think he did) of the measure, and advised them to relinquish this new feature, or if he had sent out a new regulation, or had advised that the office of Bishop should be discontinued, and that they should have instead an annual President sent out by him; and if the General Conference had conformed to his wish, I cannot determine that the Church or Society might not have been so modified in its

government, without destroying it. Nor can I say that what Mr. Wesley could have done while living could not have been done in any manner, by any authority in the Society after his death.

On the whole, Episcopacy, by the Constitution of the Methodist Episcopal Church, seems to be treated as a mere regulation of Church Government. It does not rest, that I can see, on any divine authority. Considering how, and when, and under what circumstances it originated, and the reasons of convenience assigned for its introduction, it does not appear that it rested on any other footing, than as a measure of Church Government.

It is expressly made subordinate to the General Conference. They could appoint, and could remove the bishop for cause and what is more material than all to the present question, and indeed puts an end, in my mind, to all question on this point, is, that by the written constitution, the General Conference has, as it seems to me, authority to do away with Episcopacy. But before I proceed directly to this main consideration, I will recapitulate, that Episcopacy seems to have been grafted upon Methodism in the United States only, a country foreign to us, and it was introduced in consequence of circumstances which seem to have been thought by Wesley to render it expedient, under the altered condition of things produced by that country becoming independent of the Parent State.

While Methodism was in its infancy here, it arose naturally from circumstances, that it should be, as it was, connected with the Methodist Church in the United States, which happened to be Episcopal.

It was natural, as time advanced, and the body here became large and respectable, that they should separate themselves from foreign Connexion, and should provide, as they

could, for a mode of existence more in character with their relation as British subjects.

They merely *separated* at first, and assumed to exist here as an independent community preserving the same forms as when they composed a part of the great Methodist Connexion in the United States.

But though they retained Episcopacy as a part of their Constitution of Church Government, they retained the provision for it only ; they had no bishop, they ordained none, and they existed for several years in this state, having no actual bishop, foreign, or of their own.

It was natural too, I think, that they should afterwards turn themselves as they did, to the design of a union with the original stock of Methodism in England—but they were told that before they could form a part of that body, they must dispense with Episcopacy.

They did so, and by a proceeding, such as it appears to me their Constitution admitted.

In fact Episcopacy was abolished here, it seems, as it was introduced in 1784 at Baltimore, namely by adoption, or assent of the General Conference, without any participation of the laity in the act, and such is the genius of Methodism. The constitution of the Society, as printed in 1829, shows it in a remarkable degree in every point. In that respect they had followed the system of Wesley. They seem never to have derived, nor to have professed to derive authority from the laity, but to have admitted as lay members of their body such as were willing to be bound by their rules.

In determining them, *according to their rules*, that thenceforward the office of Bishop should cease, and in providing for the same functions being discharged by a President, I cannot say on any ground that would satisfy myself that the Conference transcended their authority. The articles of

their Church; as I have already remarked, made no allusion to bishops, nor to the source from whence ministers are to derive their authority. The prayers used in ordination, do, indeed, speak of the ordaining different orders of ministers in the Church, as an appointment of Divine Providence; but the same form, if I mistake not, is used in England in the Society, where they have but ministers and lay preachers.

The Conference under the constitution of 1829, which is advanced and appealed to in argument on both sides, have power to make rules and regulations for their Church.

The first *restriction* I think does not apply to this case. The second and seventh, which I have cited at length in stating the case, show, that the power of the Conference was assumed to be very extensive, or such restrictions would have been needless, and the checks of Annual and Quarterly Conferences would not have been provided. The whole reading of the seventh restriction shows the meaning to be that the second restriction may be done away with the consent of the Annual Conference, and I conceive that to have been intended.

If it were not for the express exceptions of the sixth and seventh restrictions, it might seem to have been intended that the power of altering should extend to the seventh section, and to that only, in the conclusion of which exception this proviso appears; but it is quite clear from the exception of those two restrictions (the sixth and seventh) that to those it does not extend, while to all others, including the *second*, we cannot deny that it does. Then, as to the argument urged upon us, that the words "*suffice to alter*" do not give permission to annul or go past the restriction altogether, I see nothing in it that I could satisfactorily rest upon, for that restriction is made to protect two points,

Episcopacy and Itinerancy, the latter, I imagine, being of much more vital importance to Methodism in the eyes of its followers than the former; I mean than the name and express office of bishop, for the functions of bishop are provided for in the new constitution, as they are in the Society in England.

Now, when the Conference, under a power to alter this restriction, maintains part of it in force, (Itinerancy) and annuls the other part, they do, strictly speaking, *alter* the restriction rather than abolish it, and so they are within the letter. But I should, at any rate, feel it unsafe to hang a decision upon such a distinction as that, because I am persuaded that the word "*alter*," as there used, was meant to extend to the doing away the restriction, or in other words to alter the footing on which things were placed by that restriction.

The first General Conference was to be held in 1830, as declared in the printed "Discipline" of 1829. It is not denied that it did then assemble, with all the rights and powers ascribed to it by the "Discipline," and with the general acquiescence of the Methodist Episcopal Church; and the fair presumption is that it did; and the rules of the Society, as contained in this "Discipline," are directed, by it, to be read once a year in every congregation, and once a quarter in every Society, so that whatever the constitution, as printed in 1829, does authorise and require, must be taken to be very well known to the Society at large, and to be binding upon them, for any thing that has been shown to the contrary.

With respect to the other changes which the new arrangement has effected in the Society, I have enumerated them all, or all that are material; and there is none of them

of which I can say that it was not competent to the governing power of the Church to make it.

The most material are those which provide for the discharge of the duties which before were incumbent upon the bishop. If they could relinquish the particular office of bishop, then such provisions were necessary ; and they are closely similar to those observed in the Parent Society in England.

Then, as to the union with the British Society, I see nothing in it beyond an arrangement of Church Government interesting to the ruling power of the Church, but not directly affecting the laity. I conceive the body always to have been Wesleyan Methodists ; for surely the accepting a regulation for their government at the hands of Wesley himself, while they retained his doctrine and discipline, could not make them aliens to the Parent Society. The union makes the conformity perfect which before prevailed in the main.

It rendered unnecessary a General Conference here ; and that, therefore, is dropped, while a Conference is retained, composed like the Annual Conference under the former "Discipline," which is to meet yearly, and which, with the President who supplies the place of the Bishop, has the powers, and is to discharge the duties of the former General and Annual Conferences, except in certain points in which changes have been made.

It is on these grounds my opinion that the change which was made in the government of this Society in 1832, could be accomplished by those who attempted it. And upon the second point I cannot say that they did not make the change effectually, that is regularly.

They seem to me to have proceeded as the "Discipline" points out. No exception appears from the Judge's notes

to have been urged at the trial, except that the power of the Conference to relinquish or to abolish Episcopacy by any proceeding was absolutely denied ; and the argument last term turned upon that point. The Annual Conference seems to have met at a time and place properly appointed.

With respect to Corporations whose proceedings are under strict legal control, it has been repeatedly held that no special business can be taken up, such as the removal of an officer, &c., unless all have been summoned for the special purpose who have a right to attend. If it had been objected at the trial that this principle had not been observed by the Conference, it might have been held necessary for the other party to show that it was ; but no objection on that score seems to have been urged, and for all that appears there may have been no pretence for it ; the measure was resisted on a broader ground. However, I am not prepared to say that such an objection could have been fatal in the absence of any proof of intended concealment or surprise.

Much would depend on the practice commonly pursued in this voluntary association. The regulation is one of Church Government in a Society in which the laity have never participated in acts of legislation or control, and none who are affected by the proceedings of the meeting, or who might have shared in those proceedings have complained, so far as is shown to us, that it was irregularly convened.

With respect to the General Conference, its legislative and administrative powers are so extensive that it is highly proper that notice of any special meeting, and of the object of it, should be given to each member. I do not find it stated that notice was not given ; and, if such an objection had been urged, it might possibly have been shown that it was given ; though the short time between the call and the meeting seems hardly to have admitted of it, unless the

elders, being previously made acquainted with the proposition, had voluntarily assembled in expectation of it. If there was ground for objecting on this score, the objection should have been raised, and then the facts would have been known to us. I see nothing on this subject in the notes of the evidence. It seems not to be desired by the Methodist Regulations that all the elders should in general attend the Conference, from the inconvenience which it would occasion if all were absent from their congregations ; but this call was for a purpose so special and important that all should have had it in their power to attend, if they pleased.

It is to be observed, however, that many months after this, and after the Resolutions had been published, and the whole matter had become well known throughout the Connexion, the next General Conference, held October, 1833, which I infer from the evidence was assembled in the ordinary manner, confirmed the same Resolutions, and completed the arrangement.

Nothing is shown that impeaches the regularity of proceeding, whatever the facts may have been ; and if an objection of this kind were supported by the facts proved, or by the want of proof on the other side after an objection taken, it would still require to be well considered, whether—upon an objection raised in this action, and after this lapse of time, not by any person immediately affected by what was done then, and not by any person who complains that his right to attend was rendered nugatory by want of notice—we ought not to say "*feri non debuit, sed factum valet*," rather than to break up a system of government which has been now for some time acquiesced in, and acted upon among many thousands of persons, and in many districts, and numerous congregations.

As the case stands, and upon the facts before us, I con-

ceive the acts of the Conference cannot be impeached upon a suggestion made by ourselves of a possible irregularity.

Moreover, if the proceedings for relinquishing Episcopacy were wholly void on any such ground, then Episcopacy has not been effectually relinquished, and a new Church has not been created; and what consequences should follow the ineffectual attempt might open another question.

The last point of the case is that to which legal principles can be more clearly applied.

Admitting that it was competent to the governing body in this Methodist Society to relinquish Episcopacy, and that they have done so, and have united the Society to the Wesleyan Methodists in England in such a manner as to make the arrangement binding, then this question presents itself:—Did there exist after this change a Methodist Episcopal Church in Canada, capable of being governed under the "Discipline" of 1829? or was not that body of Methodists transformed into the Wesleyan Methodist Church in Canada, and so transformed that it carried with it its original rights, particularly the right of property in its meeting houses, burying-grounds, &c., being sufficiently identical in substance with the Methodist Episcopal Church in Canada to have a continued existence, though in an altered form? so that a member of the Methodist Episcopal Church, unless he refused to conform, would become as of course a member of the Wesleyan Methodist Church in Canada? And this opens the consideration, "how the change and its consequences have operated upon the legal estate assured by the deed before us, allowing to the provisions of the deed their proper effect."

It appears to me perfectly clear, that if the change made in the Government of the Society was made by a competent authority, and in a proper manner, the Church or Society

could not be dissolved or destroyed by it. It would be the same religious community under another name, and under other government; and those who dissented, and attempted, in opposition to the constitution, to keep up the old order of things, would cease to belong to the Society.

The change, to be sure, was such as rendered part of the former name, *viz.*, the term "*Episcopal*," inapplicable, and therefore the name was also changed; but you may have the substance in different forms, under different names; and sufficient may be left of the former substance to preserve the identity. We have instances of these changes of name in the cases of individuals, of divisions of territory, of corporate bodies, &c., but it is clearly not correct to say that because the name is different, therefore, what was formerly known by that name no longer remains, and can no longer preserve the relation which had existed between it and any other object.

It seems absurd to cite authority for any thing so evident. An illustration of the principle, however, may be drawn from what is admitted to be law in the intercourse among nations, (*Grotius de Jure Belli et Pacis*, book 2, ch. 16, l a 16,) when the form of government has been changed.

In the case 21 Ed. 4, pl. 59 referred to in Viner's *Ab. Corporation E.*, it is stated, "The King may incorporate a town by one name, and after by another name; and then they shall use their name according to their second incorporation, and yet they shall continue the possession they had before by another name." The Mayor of Carlisle *vs.* Blamire, 8 E. R. 487, is a similar case, and such instances are common. Indeed, the maxim of law is "*nomina mutabilia, res autem immobiles sunt.*" 6 Co. 66.

If the original name had been adopted from some quality

or peculiarity of the Society merely formal, and comparatively insignificant, the relinquishing such form and changing the name in consequence would clearly not have sunk the existence of the body. Then, in point of legal effect, the comparative importance of the change must be immaterial, so long as it is a change which can legally be made. It is true that Episcopacy was an important characteristic of the Church; but, however important, still if the governing power of the Church had authority to relinquish it, and to provide otherwise for the duties which the Bishop had discharged, then their doing this could not dissolve the Society. That would involve a direct contradiction; it would be to say at the same moment that the change could be made, and could not be made. When it is once granted that it could be made, it must follow that the Society in which it is made, must be bound by it; and the members who refuse to conform must for this, as well as for non-conformity on any other ground, be held to set themselves against the Society; and if by refusing to accede they so decidedly abandon the Society that we must say they have ceased to be members, we must say so in such a case as well as in any other.

Doubtless the consciences of individuals are not to be forced, and they have the option to withdraw; but individual members cannot, under cover of the old name, set up an imaginary body, when the substance is gone; and because they choose to say they will continue to exist as a Society under the old name, claim on that ground to have the property which had been held by the Society before their name was changed.

But the Plaintiffs rely on the effect of the provisions contained in the deed. I have already set these out, and I need not repeat them. Though a Court of Law, we must

look attentively at the declaration of trust in this case, not for the purpose of seeing whether the Trustees are doing right, or attempting to do wrong, that would be a question which should engage the investigation of a Court of Equity, but for the purpose of deciding who are the persons that now hold the legal estate.

We know that nine persons took the estate under the trust deed. It is urged by the Plaintiffs that seven of these (all except Grass and Powley) have *ceased to hold* any interest in the premises. If that be true, then the Defendant can set up no legal title *under them* to the possession; and he pretends to set up no other. The deed says, "If any of the grantees *cease to be members of the Methodist Episcopal Church in Canada, according to the Rules and Discipline of the said Church*, then they shall cease to be Trustees, and successors shall be appointed." The Statute, I think, confirms and renders effectual this provision; and we must see that it shall prevail according to the intention of the deed. It is not pretended that all these seven Trustees have individually withdrawn from the Methodist Episcopal Church, as under ordinary circumstances any member might do, but it is contended that the same effect has been produced by their going with the Conference after the change.

If the change left no Episcopal Church remaining, (which indeed the plaintiffs do not seem to contend, but rather the contrary) then nobody could be a member of that Church in July, 1835, and so there could be no Trustees, and these plaintiffs, consequently, could have no right to recover possession. But they say, after what took place in 1833, there was left the Episcopal Church still remaining, though without regular Conferences, of which Church the seven Trustees *ceased to be members*.

Here again the argument for the plaintiffs fail, I think,

in attaching all the importance to the term "Episcopal." We must look at the reason of the thing, at the circumstances and intention of the trust. We must construe it as near to the intention of the maker as may be. *Ca. Chy.* 125 Com. Dig. 4 W. 13.

In an ordinary case of a bequest or donation to Trustees for the use of a congregation of a particular sect, if a portion of that congregation, no matter how large a portion, abandon the distinguishing doctrines of their sect, the Trustees are not to hold the church, or other property for *their* use, but for the use of those for whom the gift was intended, however small a minority ; and the Chancellor will see that the trust is carried into execution accordingly, and will restrain the Trustees from bringing actions of ejectment, (though they have the legal title) to dispossess those who are entitled to the use of it.—*Doe ex dem Dupleix et al, vs. Roe*, 1 Anstruther 86,266. *Foley vs. Wontner*, 2 Jac : and Walker 247.

But we must be careful not to confound things : here is no evidence of a donation by Ferris, the grantor, as an endowment of the Methodist Episcopal Church ; nothing from which we can infer that he was moved by a preference for that particular form of Methodism. If a notice of that kind had entered into the grant, or sale, then a Court of Equity, at least, would say, " You shall not pervert the gift, against the intention of the giver." All we know here is, that for a consideration of £3, Ferris conveys an acre of land, in the Township of Kingston, the Methodist Society then existing there, giving to the Society its appropriate name. We have no good ground for saying that he intended anything more than to sell the acre of land, and to give a deed in such form as the persons interested wished to take ; and if, instead of selling, he gave it to them in that spirit, the effect

I think,

would be the same, unless it appeared to us that the terms of the trust were of his appointment, rather than of the Methodist Society's, and that they indicated his resolution that Episcopal Methodists, and none others should enjoy the land.

Now it is clear to me that the truth of the case is otherwise. The Methodist Society, as it then existed, were really the creators of this trust. It is well known what importance Wesley, in the first instance, and the Conference afterwards, always attached to the securing the tenure of their chapels and meeting-houses, by proper conveyances.

In the Methodist "Discipline" of 1829, rules are laid down for this; and it is expressly "directed that no person shall be eligible as a Trustee of any of our houses, churches, or schools *who is not a regular member of our Church.*" Then under the same head of their "Temporal Economy," they prescribe, in 1829, the very form of conveyance, *verbatim*, which was used in making this deed in 1832.

Who can fail then to see that the form of this declaration of trust was devised by the governing power in that Society, in order to carry out the principle of this short rule, and that it was to suit the purpose and intentions of the Society, and not any wish of the grantor that these words were used? It is a maxim in equity that a trust shall be deemed according to the *intention* of the party, though the words may import a different construction—Com. Digt. Chancery, 4 W. 13. The clear intention here was for the use of the existing Methodist Church or Society under whatever changes it might be made to undergo, by the inherent authority of those to whom its government was committed. The words in the deed, "*for the use of the members of the Methodist Episcopal Church in Canada, according to the Rules and Discipline which now are, or hereafter may be,*

adopted by the General and Annual Conference of the said Church in Canada," speak plainly, I think, that the intention was so to settle this property as that the use of it should accompany the Methodist Episcopal Church in Canada through all the modifications it might undergo; and, if I am right in thus viewing it, then it would be a singular construction to hold, that because a change was legally made which occasioned the term "Episcopal" to be disused, the Society, though it still existed, must lose its property.

The Trustees who are alleged to have left the Society may truly say, "We are not now members of the Methodist Episcopal Church in Canada, because there is no longer a Church under that name; but we are members of the religious Society for whose use that deed was given; and although they have adopted a change in their government which makes them no longer Episcopal, yet the Church or Society exists in another name, because they could regularly make that change."

When trusts affect the public good, it is said they shall be liberally expounded for the public benefit and convenience, —2 Vernon, 432. Now if because the Church is no longer Episcopal, the Society who took this conveyance must, under a literal construction of the trust, contrary to the evident intent, lose the possession of the church and burying-ground, so it is probable they must or may lose the possession of every church which has been conveyed to their use; and the same literal construction of the rest of the deed would reserve these for the use of preachers belonging only to a denomination which it appears to me no longer exists as a Society in this Province, according to the effect of the only constitution under which it is shown they could be governed.

It is for the public good to prevent this confusion, by going all reasonable lengths in supporting the acts of this constituted body, if they comply with the forms of their constitution, and do not trespass upon conscience.

For the reasons which I have given I think it consistent with the deed to hold the seven grantees in question to be still Trustees. And I must further observe, that if the plaintiffs were admitted to have right on their side in contending that these seven have ceased to be Trustees because they acquiesced in the proceedings of the Conference, and have submitted to the new order of things, (and nothing more than this is shown) I am not sure but we should have to hold by the same rule that there are no Trustees at all ; and, consequently, no one entitled to hold possession in that capacity, for as I understand the evidence, it is positively sworn that the other two, Grass and Powley, conformed for a time, outwardly at least, and remained in the Society for many months after the change. If that were so, we can draw no distinction between them and the others, according to the length of time for which they respectively conformed ; for the legal estate would not leave them and return to them when they changed their course.

On the whole, upon the best judgment I have been able to form, the defendant was entitled to a verdict at the trial. If I had felt entire confidence in coming to this conclusion, I might have contented myself with stating my opinion at much less length. But the points are so various, and turn upon circumstances with which Courts of Law are so little familiar, that I have thought it due to both sides of the question to explain the grounds on which my opinion is founded.

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